

THE TRUE SENTIMENTS OF AMERICA:
CONTAINED IN A COLLECTION OF
LETTERS SENT FROM THE HOUSE
OF REPRESENTATIVES OF THE
PROVINCE OF MASSACHUSETTS
BAY TO SEVERAL PERSONS OF
HIGH RANK IN THIS
K I N G D O M:

TOGETHER
WITH CERTAIN PAPERS RELATING TO
A SUPPOSED LIBEL ON THE
GOVERNOR OF THAT PROVINCE,
AND A DISSERTATION ON
THE CANON AND
THE FEUDAL
L A W.

DUBLIN, PRINTED FOR J. MILLIKIN, IN SKINNER-ROW.
1769.

Harvard College Library
Hollis Hall
June 8, 1932

The following resolution is copied from the journal of the proceedings of the House of Representatives of the province of Massachusetts-Bay,

*Mercurii, 2 die Martii, A. D. 1768.
Post Meridiem.*

Whereas it has ever been the laudable practice of this government annually to set apart a day for solemn prayer to Almighty God, humbly to implore the divine forgiveness of their sins, and his blessing upon the British nation and its dependencies, and upon this province in particular.

And whereas the inhabitants of this province labour under very difficult and peculiarly distressing circumstances, which call for a public acknowledgment of the supreme ruler of the world, under whose gracious providence alone we may expect relief:

Resolved, that it is the desire of this house, that his Excellency the Governor [Bernard] would be pleased to appoint a solemn prayer and fasting to be observed throughout this province.

That the people may then offer to God their humble and penitent confession of their sins, together with their devout supplications for such blessings as they shall stand in need of; particularly that his Majesty's government may be prosperous, and his subjects happy, in every part of his enlarged dominions; that this province may stand favourably in the eyes of our king; that every measure taken for the establishment of our just rights and privileges, may be successful; that the trade, husbandry, and fishery of the province may be prospered, and true religion and good morals prevail; and that we and our posterity may ever enjoy the blessings of liberty and peace.

For the purpose of the present bill, the Government of the Province of Ontario is authorized to make such arrangements as may be necessary for the purpose of the present bill.

And whereas it is the duty of the Government of the Province of Ontario to make such arrangements as may be necessary for the purpose of the present bill.

Whereas it has ever been the intention of the Government of the Province of Ontario to make such arrangements as may be necessary for the purpose of the present bill.

And whereas the intention of the Government of the Province of Ontario is to make such arrangements as may be necessary for the purpose of the present bill.

And whereas the Government of the Province of Ontario is authorized to make such arrangements as may be necessary for the purpose of the present bill.

That the people may then offer to God a new law. The and content condition of their law is that their devout supplicants for each thing shall stand in need of; particularly that in Mary's government may be prosperous and his happy in every part of his enlarged dominion; that his vine may still flourish in the eye of the sun; that every creature taken for the establishment of our just rights and privileges may be successful; that the trade, husbandry, and fishery of the province may be prosperous, and true religion and good morals prevail; and that we and our posterity may ever enjoy the blessings of liberty and peace.

Agreeable to a Vote of the Honourable House of Representatives of the Province of Massachusetts-Bay, the following humble, dutiful and loyal Petition to the KING, signed by the Speaker, by their Order of the 20th January 1768; together with the Representations of the House to his MAJESTY'S Ministers; their Letter to their Agent, &c. are here inserted.

An humble Petition to the King's most Excellent Majesty.

MOST GRACIOUS SOVEREIGN,

YOUR Majesty's faithful subjects, the representatives of your province of the Massachusetts-Bay, with the warmest sentiments of loyalty, duty, and affection, beg leave to approach the throne, and to lay at your Majesty's feet their humble supplications, in behalf of your distressed subjects the people of the province.

Our ancestors, the first settlers of this country, having with the royal consent, which we humbly apprehend involves the consent of the nation, and at their own great expence, migrated from the mother kingdom, took possession of this land, at that time a wilderness, the right whereof they had purchased for a valuable consideration of the council established at Plymouth, to whom it had been granted by your Majesty's royal predecessor King James the first.

From the principles of loyalty to their Sovereign which will ever warm the breast of a true subject, though remote they acknowledged their allegiance to the English crown: and your Ma-

jeſty will allow us with all humility to ſay, that they and their poſterity, even to this time, have afforded frequent and ſignal proofs of their zeal for the honour and ſervice of their prince, and their firm attachment to the parent country.

With toil and fatigue, perhaps not to be conceived by their brethren and fellow-subjects at home, and with the conſtant peril of their lives, from a numerous, ſavage, and warlike race of men, they began their ſettlement, and God proſpered them.

They obtained a charter from King Charles the firſt; wherein his Maſteſty was pleaſed to grant to them and their heirs and aſſigns for ever, all the lands therein deſcribed, to hold of him and his royal ſucceſſors in free and common ſocage; which we humbly conceive is as abſolute an eſtate as the ſubject can hold under the crown. And in the ſame charter were granted to them, and their poſterity, all the rights, liberties, privileges, and immunities of natural ſubjects, born within the realm.

This charter they enjoyed, having, as we moſt humbly conceive, punctually complied with all the conditions of it, till in an unhappy time it was vacated — But after the revolution, when King William and Queen Mary, of glorious and bleſſed memory, were eſta bliſhed on the throne: In that happy reign, when, to the joy of the nation and its dependencies, the crown was ſettled in your Maſteſty's illuſtrious family, the inhabitants of this province ſhared in the common bleſſing. Then they were indulged with another charter; in which their Maſteſties were pleaſed for themſelves, their heirs and ſucceſſors, to grant and confirm to them as ample eſtate in the lands or territories as was granted in the former charter, together with other the moſt eſſential rights and liberties con-
tained

tained therein: The principal of which, is that which your Majesty's subjects within the realm have ever held a most sacred right, of being taxed only by representatives of their own free election.

Thus blessed with the rights of Englishmen, through the indulgent smiles of Heaven, and under the auspicious government of your Majesty and your royal predecessors, your people of this province have been happy, and your Majesty has acquired a numerous increase of loyal subjects, a large extent of dominion, and a new and inexhaustible source of commerce, wealth and glory.

With great sincerity, permit us to assure your Majesty, that your subjects of this province, ever have, and still continue to acknowledge your Majesty's high court of parliament the supreme legislative power of the whole empire. The superintending authority of which is clearly admitted in all cases, that can consist with the fundamental rights of nature and the constitution, to which your Majesty's happy subjects in all parts of your empire conceive they have a just and equitable claim.

It is with the deepest concern that your humble suppliants would represent to your Majesty, that your parliament, the rectitude of whose intentions is never to be questioned, has thought proper to pass divers acts imposing taxes on your Majesty's subjects in America, with the sole and express purpose of raising a revenue. If your Majesty's subjects here shall be deprived of the honour and privilege of voluntarily contributing their aid to your Majesty, in supporting your government and authority in the province, and defending and securing your rights and territories in America, which they have always hitherto done with the utmost cheerfulness: If these acts of parliament shall

remain in force, and your Majesty's commons in Great Britain shall continue to exercise the power of granting the property of their fellow subjects in this province, your people must then regret their unhappy fate in having only the name left of free subjects.

With all humility we conceive that a representation of your Majesty's subjects of this province in the parliament, considering their local circumstances, is utterly impracticable: Your Majesty has heretofore been graciously pleased to order your requisitions to be laid before the representatives of your people in the general assembly, who have never failed to afford the necessary aid to the extent of their ability, and sometimes beyond it; and it would be ever grievous to your Majesty's faithful subjects to be called upon in a way, that should appear to them to imply a distrust of their most ready and willing compliance.

Under the most sensible impressions of your Majesty's wise and paternal care for the remotest of your faithful subjects, and in full dependence on the royal declarations in the charter of this province, we most humbly beseech your Majesty to take our present unhappy circumstances under your royal consideration, and afford us relief in such manner as in your Majesty's great wisdom and clemency shall seem meet.

A Letter to the Right Hon. the Earl of Shelburne, one of his Majesty's principal Secretaries of State.

Province of the Massachusetts-Bay, January 15, 1768.

MY LORD,

THE house of representatives of this his Majesty's province, having had experience of your

your Lordship's generous sentiments of his Majesty's most loyal though remote subjects in America, and of your noble exertions in their behalf in the late time of their distress, beg leave to lay before your Lordship's view, the new scenes of difficulty, which are again opened upon us, and to implore your repeated interposition.

Your Lordship is not insensible, that our forefathers were in an unhappy reign driven into this wilderness by the hand of power; at their own expence they crossed an ocean of three thousand miles; and purchased an inheritance for themselves and their posterity, with the view of propagating the christian religion, and enlarging the English dominion in this distant part of the earth. Through the indulgent smiles of Heaven upon them, though not without hardship and fatigue unexperienced and perhaps hardly to be conceived by their brethren and fellow-subjects in their native land; and with the constant peril of their lives from a numerous race of men, as barbarous and cruel, and yet as warlike as any people upon the face of the earth, they increased in their numbers and enlarged their settlement.—They obtained a charter from King Charles the first, wherein his Majesty was pleased to recognize to them, a liberty to worship God according to the dictates of their conscience; a blessing which in those unhappy times was denied to them in their own country: And the rights, liberties, privileges, and immunities of his natural born subjects within the realm. This charter they enjoyed, having punctually fulfilled the conditions of it, till it was vacated, as we conceive arbitrarily, in the reign of King Charles the second. After the revolution, that grand æra of British liberty, when King William and Queen Mary of glorious and blessed memory, were established on the throne, the inhabitants of this

this province obtained another charter ; in which the most essential rights and privileges contained in the former were restored to them. Thus blessed with the liberties of Englishmen, they continued to increase and multiply, till, as your Lordship knows, a dreary wilderness is become a fruitful field, and a grand source of national wealth and glory.

By the common law, my Lord, as well as sundry acts of parliament from the reign of EDWARD the third, the children of his Majesty's natural born subjects, born passing and repassing the seas, are intitled to all the rights and privileges of his natural subjects born within the realm. From hence the conclusion appears to be indisputable, that the descendants of his Majesty's subjects in the realm, who migrated with the consent of the nation, and purchased a settlement with their own treasure and blood, without any aid from the nation ; who early acknowledged their allegiance to the Crown of England ; and have always approved themselves faithful subjects, and in many instances given signal proofs of their loyalty to their King, and their firm attachment and affection to their mother country : — The conclusion is strong, that exclusive of any consideration of their charter, they are intitled to the rights and privileges of the British constitution in common with their fellow subjects in Britain. And it is very remarkably the sense of the British nation that they are so ; as appears by an Act of Parliament made in the 13th of his late Majesty King GEORGE the second. The preamble of that act plainly presupposes it ; and the purview of the same act enables and directs the superior court of judicature of this province, a court erected by the authority of the general court, to naturalize foreigners under certain conditions ; which it is presumed the wisdom of the

the Parliament would not have empowered any people to do, who were not *themselves* deemed natural born subjects.

The spirit of the law of nature and nations supposes that all the free subjects of any kingdom, are entitled equally to all the rights of the constitution; for it appears unnatural and unreasonable to affirm, that local or any other circumstances can justly deprive any part of the subjects of the same Prince, of the full enjoyment of the rights of that constitution, upon which the government itself is formed, and by which sovereignty and allegiance are ascertained and limited. But your Lordship is so thoroughly acquainted with the extent of the rights of men and of subjects, as to render it altogether improper to take up any more of your time on this head.

There are, my Lord, fundamental rules of the constitution, which it is humbly presumed, neither the supreme legislative nor the supreme executive can alter. In all free states the constitution is fixed: It is from thence that the legislative derives its authority; therefore it cannot change the constitution without destroying its own foundation. If then the constitution of Great Britain is the common right of all British subjects, it is humbly referred to your Lordship's judgment, whether the supreme legislature of the empire may rightly leap the bounds of it in the exercise of power over the subjects in America, any more than over those in Britain.

When mention is made of the rights of American subjects and the interest they have in the British constitution in common with all other British subjects, your Lordship is too candid and just in your sentiments to suppose that the House have the most distant thought of an independency of Great Britain.—They are not insensible of their security
and

and happiness in their connection with and dependence on the mother state. These, my Lord, are the sentiments of the House and of their constituents; and they have reason to believe they are the sentiments of all the colonies: Those who are industriously propagating in the nation a different opinion of the colonists, are not only doing the greatest injustice to them, but an irreparable injury to the nation itself.

It is the glory of the British constitution that it has its foundation in the law of God and nature: It is essentially a natural right that a man shall quietly enjoy, and have the sole disposal of his own property: This right is ingrafted into the British constitution and familiar to the American subjects: And your Lordship will judge whether any necessity can render it just and equitable in the nature of things, that the supreme legislative of the empire, should impose duties, subsidies, talliages and taxes, internal or external, for the sole purpose of raising a revenue, upon subjects that are not, and cannot, considering their local circumstances, by any possibility be equally represented, and consequently, whose consent cannot be had in Parliament.

The security of right and property is the great end of government. Surely then such measures as tend to render right and property precarious, tend to destroy both property and government, for these must stand or fall together. — Property is admitted to have an existence in the savage state of nature: And if it is necessary for the support of savage life, it by no means becomes less so in civil society. The House intreat your Lordship to consider, whether a colonist can be conceived to have any property which he may call his own, if it may be granted away by any other body without his consent: And they submit to your Lordship's

ship's judgment whether this was not actually done, when the act for granting to his Majesty certain duties on Paper, Glass and other articles, for the sole and express purpose of raising a revenue in America, was made. It is the judgment of Lord Coke that the Parliament of Great Britain cannot tax Ireland "*quia milites ad Parliamentum non mittantur*." And Sir William Jones, an eminent jurist, declared it as his opinion, to King CHARLES the Second, that he could no more grant a commission to levy money on his subjects in Jamaica, without their consent by an assembly, than they could discharge themselves from their allegiance to the crown.

Your Lordship will be pleased to consider that Ireland and Jamaica were both conquered; which cannot be said of any of the colonies, Canada excepted; the argument therefore is stronger in favour of the colonies.

Our ancestors, when oppressed in the unfortunate reign of JAMES the Second, found relief by the interposition of the Parliament. But it is the misfortune of the colonies at present, that by the intervention of that power they are taxed, and they can appeal for relief from their final decision to no power on earth, for there is no power on earth above them. — Your Lordship will indulge the House in expressing a deep concern upon this occasion, for it is the language of reason, and it is the opinion of the greatest writers on the law of nature and nations, that if the parliament should take any considerable change in the constitution, and the nation should be voluntarily silent upon it, this would be considered as an approbation of the act.

But the House beg leave to represent to your Lordship, that although the right of the Parliament to impose taxes on the colonies without a representation

sentation there were indisputable, we humbly conceive it may be made fully to appear to be unequal that they should, at least at present. Your Lordship will be pleased to remember that by act of Parliament, the colonists are prohibited from importing commodities and manufactures of the growth of Europe, saving a few articles, except from Great Britain. This prohibition not only occasions a much greater demand upon the mother-country for her manufactures, but gives the manufacturers there the advantage of their own price; and can it be questioned, my Lord, but the colonists are obliged by means of their policy, to purchase the British manufactures at a much dearer rate, than the like manufacturers would be purchased at, if they were allowed to go to foreign markets. It is a loss to the colonists and an equal gain to Great Britain. The same reasoning holds good with respect to the many articles of their produce, which the colonies are restrained by act of Parliament from sending to foreign ports. — This is in reality a tax though an indirect one on the colonies, besides the duties of excise and customs, laid on the manufactures in Great Britain. A celebrated British writer on trade, computes the artificial value arising from these duties, to be not less than fifty per cent. Your Lordship will then form an estimate of the part that is paid by the colonies upon the importation into America, which is generally said to be at least the value of two millions sterling. — The House is not at this time complaining of this policy of the mother state; but beg your consideration, whether it is not grievous to the colonies to be additionally taxed upon the commodities of Great Britain here — and to be solely charged with the defending and securing his Majesty's colonies, after they have cheerfully borne their

their full proportion of maintaining his Majesty's rights in this part of his dominions, and reducing his enemies to terms of peace.

Your Lordship will allow the House to express their fears that the colonies have been misrepresented to his Majesty's ministers and the Parliament, as having an undutiful disposition towards his Majesty, and a disaffection to the mother-kingdom. It has till a few years past been the usage for his Majesty's requisitions to be laid before the representatives of his people in America. And we may venture to appeal to your Lordship, that the people of this province have been ready to afford their utmost aid for his Majesty's service. It would be grievous to his most faithful subjects, to be called upon for aid in a manner which implies a mistrust of a free and chearful compliance: And the House intreat your Lordship's consideration whether our enemies at least, would not infer a want of duty and loyalty in us, when the Parliament have judged it necessary to compel us by laws for that purpose; as by the late acts for raising a revenue in America, and the act for preventing mutiny and desertion; in the latter of which the governor and council are directed to supply the Kings troops with enumerated articles, and the people are required to pay the expence. But, besides your Lordship will judge whether the execution of this act can comport with the existence of a free legislative in America.

It is unnatural to expect, that the supreme executive power can long exist, if the supreme legislative should be depressed and destroyed. In order, therefore, to support the supreme executive of his Majesty, at so great a distance, in the person of his governor, judges and other executive officers, it seems necessary that there should be a legislative in

in America as perfectly free, as can consist with a subordination to the supreme legislative of the whole empire.

Such a legislative is constituted by the royal charter of this province. In this charter, my Lord, the King, for himself, his heirs and successors, grants to the general assembly, full power and authority to impose and levy proportionable and reasonable assessments, rates and taxes upon the estates and persons of the inhabitants, to be issued and disposed of, by warrant under the hand of the governor, with the advice and consent of the council, for the service of his Majesty, in the necessary defence and support of his government of the province, and the protection and preservation of the inhabitants, according to such acts, as are or shall be in force in the province. And the house are humbly of opinion, that the legislative powers in the several colonies in America were originally erected upon a conviction, that the subjects there, could not be represented in the supreme legislative, and consequently that there was a necessity that such powers should be erected.

It is by no means, my Lord, a disposition in the House to dispute the just authority of the supreme legislative of the nation; that induces them thus to address your Lordship; but a warm sense of loyalty to their prince, and, they humbly apprehend, a just concern for their natural and constitutional rights. They beg your Lordship would excuse their trespassing upon your time and attention to the great affairs of the state. They apply to you as a friend to the rights of mankind and of British subjects. As Americans they implore your Lordship's patronage, and beseech you to represent their grievances to the King our sovereign, and employ your happy influence for their relief.

Signed by the Speaker.

A Let-

A Letter to the Right Hon. HENRY SEYMOUR CONWAY, Esq; one of his Majesty's principal Secretaries of State.

Province of the *Massachusetts-Bay*,
February 13, 1768.

S I R,

THE house of representatives of this his Majesty's province have still the sensible impressions of gratitude upon their minds, for the signal and successful exertions you were pleased to make for them when the liberties of the colonies were in danger. And although they do not fall immediately under your care in that department, to which his Majesty has been graciously pleased to appoint you; yet your known attachment to the rights of subjects, in their just extent, the constitutional authority of the supreme legislative and the prerogative of the sovereign, is a strong inducement to the House, when new grievances happen, to implore your repeated aid. Conscious of their own disposition, they rely upon that candour which is a distinguished mark of your character. And however they may have been represented to his Majesty's ministers as undutiful, turbulent and factious, your sentiments are too generous, to impute the expressions of uneasiness under the operation of any particular acts of the British parliament to a peevish or discontented habit, much less to the want of a due veneration for that august assembly.

This house is at all times ready to recognize his Majesty's high court of parliament, the supreme legislative power over the whole empire; its superintending authority, in all cases consistent with the fundamental rules of the constitution, is as clearly admitted by his Majesty's subjects in this province as by those within the realm; since the

constitution of the state, as it ought to be, is fixed; it is humbly presumed, that the subjects, in every part of the empire, however remote, have an equitable claim to all the advantages of it.

It is the glory of the British Prince, and the happiness of all his subjects, that their constitution hath its foundation in the immutable laws of nature: And as the supreme legislative as well as the supreme executive derives its authority from that constitution, it should seem that no laws can be made or executed, that are repugnant to any essential law in nature. Hence a British subject is happily distinguished from the subjects of many other states, in a just and well grounded opinion of his own safety, which is the perfection of political liberty.

It is acknowledged to be an unalterable law in nature, that a man should have the free use and sole disposal of the fruit of his honest industry, subject to no controul. The equity of this principle seems to have been too obvious to be misunderstood by those who framed the constitution; into which it is ingrafted as an established law. It is conceived that this principle gave rise in early time to a representation in parliament; where every individual in the realm has since been, and is still considered by acts of parliament as present by himself, or by his representative of his own free election: consequently, the aid afforded there to the sovereign is not of the nature of a tribute, but the free and voluntary gift of all.

The house submit to your consideration, whether his Majesty's subjects of this province, or any of them, can be considered as having been present in parliament, when an act of the fourth of his present Majesty's reign, and another passed the last session, were made. If not, it seems to be conclusive, that, as those acts were made with the sole
and

and express purpose of raising a revenue out of America, the subjects here are in those instances unfortunately deprived of the sole disposal of their property, and the honour and privilege of contributing to the aid of their sovereign by a free and voluntary gift.

The people of this province would by no means be inclined to petition the parliament for a representation. Separated from the mother-country by a mighty ocean, and at the distance of three thousand miles, they apprehend it is, and ever will be, utterly impracticable that they should be equally represented there: They have always been considered by the nation as subjects remote: And his Majesty's royal predecessors were graciously pleased to constitute by charter a subordinate legislative in the province, as it is conceived, with a view of preserving to their remote subjects the unalienable right of a representation. By this charter the lands therein described are granted to the inhabitants in free and common soccage; and the general assembly is invested with the power of imposing and levying proportionable and reasonable assessments, rates, and taxes, upon the estates and persons of the inhabitants, for his Majesty's service, in the necessary defence and support of his government of the province, and the protection and preservation of the inhabitants; and of ordaining and establishing all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with or without penalties, as they shall judge to be for the good and welfare of the province: And as a sufficient check upon this subordinate power, which secures its dependance on the supreme legislative, no law can be made repugnant to the laws of England; and all laws that are made, are laid before his Majesty,

who at any time during three years after, disannuls them at his royal pleasure.

All that is desired by the people of this province, is, that they may be restored to their original standing: They may venture to appeal to the nation, that they have never failed to afford their utmost aid to his Majesty whenever he hath required it; and they may say it without vanity, that in many instances from their settlement, they have given striking proofs of their zeal for the honour of their sovereign, and their affection for the mother-state. Must it not then be grievous to free and loyal subjects, to be called upon in a manner which appears to them, to divest them of their freedom, and so far to impeach their loyalty as to imply a mistrust of their chearful compliance with his Majesty's royal requisitions ?

The house also beg leave to submit whether the people can continue free, while the crown in addition to its uncontroverted right of appointing a governor, may appoint him such stipends as it shall judge fit, at the expence of the people and without their consent: And whether, while the judges of the land, at so great a distance from the throne, the fountain of justice, may be altogether independent on the people for their support, it may not probably happen, that in some future time, the principles of equity may be subverted even on the bench of justice, and the people deprived of their happiness and security?

The house could add, that by the restraints laid upon the American trade by acts of Parliament, which operate equally to the advantage of Great Britain and the disadvantage of this and the other colonies, and the taxes which the inhabitants here eventually pay as the consumers of the British manufactures, it should seem to be beyond all the rules of equity, that these additional burdens should

should be laid on them. But they would not trespass upon your time and attention to the great affairs of the nation. They beg your candid consideration of the unhappy circumstances of the province, and hope, that your great interest in the national councils, so far as shall appear to you to be just, will be employed on their behalf.

Signed by the Speaker.

A Letter to the Right Hon. the Marquis of
ROCKINGHAM.

Province of the *Massachusetts-Bay*,
January 22, 1768.

My Lord,

THE house of representatives of this his Majesty's province have had the honour of your letter of the 7th of May last, communicated to them by their speaker, and thank your Lordship for your condescension, in the kind sentiments you are pleased to express of his Majesty's good subjects of America and of this province. The establishing the harmony between Great Britain and her colonies, is a subject which your Lordship has judged worthy of your particular attention: And the exertions which you have made for this very important purpose, claim the most grateful acknowledgments of the House. Your sentiments are so nobly extended beyond the most distant partial considerations, as must distinguish you a patron of the colonies, a friend to the British constitution and the rights of mankind.

Your Lordship is pleased to say, that you will not adopt a system of arbitrary rule over the colonies;

lonies; nor do otherwise, than strenuously resist where attempts shall be made to throw off that dependency to which the colonies ought to submit. And your Lordship with great impartiality adds “not only for the advantage of Great Britain but for their own real happiness and safety.”

This house, my Lord, have the honour heartily to join with you in sentiment; and they speak the language of their constituents. So sensible are they of their happiness and safety, in their union with and dependance upon the mother country, that they would by no means be inclined to accept of an independency if offered to them. But, my Lord, they intreat your consideration, whether the colonies have not reason to fear some danger of arbitrary rule over them, when the supreme power of the nation, have thought proper to impose taxes on his Majesty's American subjects, with the sole and express purpose of raising a revenue, and without their consent.

My Lord, the superintending power of that high court over all his Majesty's subjects in the empire, and in all cases which can consist with the fundamental rules of the constitution, was never questioned in this province, nor, as the House conceive, in any other. But in all free states the constitution is fixed: It is from thence that the supreme legislative as well as the supreme executive derives its authority: Neither, then, can break through the fundamental rules of the constitution, without destroying their own foundation.

It is humbly conceived, that all his Majesty's happy subjects, in every part of his wide extended dominions, have a just and equitable claim to the rights of that constitution, upon which government itself is formed, and by which sovereignty and allegiance is ascertained and limited. Your Lordship

ship will allow us to say, that it is an essential right of a British subject, ingrafted into the constitution, or if your Lordship will admit the expression, a sacred and unalienable natural right, quietly to enjoy and have the sole disposal of his own property. In conformity to this, the acts of the British parliament declare, that every individual in the realm, is present in his Majesty's high court of parliament, by himself or his representative of his own free election. But, my Lord, it is apprehended that a just and equal representation of the subjects, at the distance of a thousand transmarine leagues from the metropolis is utterly impracticable. Upon this opinion, this House humbly conceive, his Majesty's royal predecessors, thought it equitable to form subordinate legislative powers in America, as perfectly free as the nature of things would admit, that so, their remote subjects might enjoy a right, which those within the realm have ever held sacred, of being taxed only by representatives of their own free election.

The house beg leave to observe to your Lordship, that the monies that shall arise by the act for granting to his Majesty certain duties on Paper, Glass, and other articles, passed in the last session of parliament, are to be applied, in the first place, for the payment of the necessary charges of the administration of justice, and the support of civil government, in such colonies where it shall be judged necessary; and the residue for defending, protecting and securing the colonies. They intreat your Lordship's consideration, what may be the consequence, in some future time, if the crown in addition to its right of appointing governors over the colonies, which this House cheerfully recognize, should appoint them such stipends, as it shall judge fit, without the consent of the people and at their expence. And as the judges of the land here do

not hold their commissions during good behaviour, your Lordship will judge, whether it may not hereafter happen, that at so great a distance from the throne, the fountain of justice, for want of an adequate check, corrupt and arbitrary rule may take place, even within the colonies, which may deprive a bench of justice of its glory, and the people of their happiness and safety.

Your Lordship's justice and candor will induce you to believe, that what our enemies may have taken occasion to represent to his Majesty's ministers and the parliament, as an undutiful disposition in the colonies, is nothing more than a just and firm attachment to their natural and constitutional rights. It is humbly submitted to your Lordship whether these ideas are well founded. And while this province and the colonies shall continue in your Lordship's judgment to be faithful and loyal subjects to his Majesty, they rely upon it, that your happy influence will ever be employed, to promote the sentiments of tenderness as well as justice in the parent country.

Signed by the Speaker.

A Letter to the right Hon. Lord CAMDEN, Lord High Chancellor of Great Britain.

Province of the *Massachusetts-Bay*,
January 29, 1768.

My Lord,

YOUR great knowledge of the constitution and laws of the nation, of the just extent of parliamentary authority, and the rights of British subjects, is a prevailing inducement to the House of representatives of this his Majesty's province,

vince, to address your Lordship, at a time when your attention to the British colonies, their connection with and dependance upon the mother state, and their rights as subjects, seems to be necessary and important, not to them alone, but to the whole Empire.

This House can speak only for the people of one province: But no assembly on this continent, it is presumed, can long be silent, under an apprehension, that without the aid of some powerful advocate, the liberties of America will soon be no more.

It is a cause which the House is assured your Lordship has at heart: And the past experience of your patronage, and the noble exertions you were pleased to make for them in a late time of distress, affords the strongest reason to hope that your happy influence will still be employed in their behalf, as far as your Lordship shall judge to be right.

If in all free states, the constitution is fixed, and the supreme legislative power of the nation, from thence derives its authority; can that power overleap the bounds of the constitution, without subverting its own foundation? If the remotest subjects, are bound by the ties of allegiance, which this people and their forefathers have acknowledged; are they not by the rules of equity, intitled to all the rights of that constitution, which ascertains and limits both sovereignty and allegiance? If it is an essential unalterable right in nature, ingrafted into the British constitution as a fundamental law, and ever held sacred and irrevokable by the subjects within the realm, that what is a man's own is absolutely his own; and that no man hath a right to take it from him without his consent; may not the subjects of this province, with a decent firmness, which has always

ways distinguished the happy subjects of Britain, plead and maintain this natural constitutional right?

The superintending authority of his Majesty's high court of parliament over the whole empire, in all cases which can consist with the fundamental rights of the constitution, was never questioned in this province, nor, as this House conceive, in any other; but they intreat your Lordship's reflection one moment, on an act of parliament passed the last session; and another in the fourth of his present Majesty's reign; both imposing duties on his subjects in America, which as they are imposed with the sole and express purpose of raising a revenue, are, in effect, taxes. The position, that taxation and representation are inseparable, is founded on the immutable laws of nature: but the Americans had no representation in the parliament, when they were taxed: Are they not then unfortunate in these instances, in having that separated, which God and nature had joined? Such are the local circumstances of the colonies, at the distance of a thousand leagues from the metropolis, and separated by a wide ocean, as will for ever render a just and equal representation in the supreme legislative, utterly impracticable. Upon this consideration, it is conceived, that his Majesty's royal predecessors thought it equitable to form legislative bodies in America, as perfectly free as a subordination to the supreme legislative would admit of, that the inestimable right of being taxed only by representatives of their own free election, might be preserved and secured to their subjects here. The Americans have ever been considered by the nation as subjects remote; and succeeding kings, even to the present happy reign, and until these acts were made, have always directed their requisitions, to be laid before the representatives of their

their people in America, with which this province, and it is presumed all the other colonies, have with the utmost cheerfulness complied. Must it not then be grievous to subjects, who have in many repeated instances afforded the strongest marks of loyalty and zeal for the honour and service of their sovereign, to be now called upon, in a manner, which implies a distrust of a free and willing compliance? Such is the misfortune of the colonists, not only in the instances before-mentioned, but also in the case of the act for preventing mutiny and desertion; which requires the Governor and council to provide enumerated articles for the King's marching troops, and the people to pay the expence.

This is a great change; and in its nature delicate and important. Your lordship will form your own judgment of the wisdom of making such a change, without the most pressing reason, or an absolute necessity. There can be no necessity, my Lord as this House humbly conceive: The subjects in this province, and undoubtedly in all the colonies, however they may have been otherwise represented to his Majesty's ministers, are loyal: They are firmly attached to the mother state: They always consider her interest and their own as inseparably interwoven, and it is their fervent wish that it may ever so remain: All they desire is, to be restored to the standing upon which they were originally put; to have the honour and privilege of voluntarily contributing to the aid of their sovereign, when required; They are free subjects; and it is hoped the nation will never consider them as in a tributary state.

It is humbly submitted to your Lordship, whether subjects can be said to enjoy any degree of freedom, if the crown in addition to its undoubted authority of constituting governors, should be
 autho-

authorised to appoint such stipends for them, as it shall judge proper, at their expence and without their consent. This is the unhappy state to which his Majesty's subjects in the colonies are reduced, by the act for granting certain duties on Paper, and other articles. A power without a check is always unsafe; and in some future time may introduce an absolute government into America. The judges of the land here do not hold their commissions during good behaviour: Is it not then justly to be apprehended, that at so great a distance from the throne, the foundation of national justice, with salaries altogether independent of the people, an arbitrary rule may take effect, which shall deprive a bench of justice of its glory, and the people of their security?

When a question arises on the public administration, the nation will judge and determine in conformity to its political constitution: The great end of the British constitution is universal liberty; and this house rests assured, that your Lordship's great interest in the national councils will always be engaged on the side of liberty and truth.

Signed by the Speaker.

A Letter to the Right Honourable the Earl of Chatham.

Province of the Massachusetts-Bay,
Feb. 2, 1768.

My Lord,

THE particular attention you were pleased to give to the interest of the American subjects when their rights were in danger, and your noble

noble and successful efforts in support of them, have left in the breasts of all, the indelible marks of gratitude. The house of representatives of this his Majesty's province, having reason to be assured, that in every instance of your public conduct, you are influenced by the principles of virtue and disinterested public affection, beg leave to manifest to your Lordship, a testimony of their full confidence in you, by imploring your repeated aid and patronage at this time when the cloud again gathers thick over them.

It must afford the utmost satisfaction to the distressed colonists, to find your Lordship so explicitly declaring your sentiments in that grand principle in nature, "that what a man hath honestly acquired is absolutely and uncontrollably his own." This principle is established as a fundamental rule in the British constitution, which eminently hath its foundation in the laws of nature; and consequently it is the indisputable right of all men, more especially of a British subject, to be present in person, or by representation, in the body where he is taxed.

But however fixed your Lordship and some others may be in this cardinal point, it is truly mortifying to many of his Majesty's free and loyal subjects, that even in the British parliament, that sanctuary of liberty and justice, a different sentiment seems of late to have prevailed.

Unwilling to intrude upon your attention to the great affairs of state, the house would only refer your Lordship to an act passed in the fourth year of the present reign, and another in the last session of parliament; both imposing duties on the Americans, who were not represented, with the sole and express purpose of raising a revenue. What, my Lord, have the colonists done to forfeit the character and privilege of subjects, and

to be reduced in effect to a tributary state? This house may appeal to the nation, that the utmost aid of the people has been cheerfully given when his Majesty required it: Often, on their own motion, and when almost ready to succumb under the expence of defending their own borders, their zeal has carried them abroad for the honour of their sovereign, and the defence of his rights: Of this, my Lord, not to mention any more, the reduction of Louisburgh in the year 1745, and the defence of his Majesty's garrison at Annapolis, and of all Nova Scotia, will be standing monuments. Can there be a necessity for so great a change, and in its nature so delicate and important, that instead of having the honour of his Majesty's requisitions laid before their representatives here, as has been invariably the usage, the parliament should now tax them without their consent?

The enemies of the colonists, for such they unfortunately have, may have represented them to his Majesty's ministers, and the parliament, as factious, undutiful, disloyal: They, my Lord, are equally the enemies of Britain: Such is your extensive knowledge of mankind, and the sentiments and dispositions of the colonies in general, that this house would freely venture to rest the character of their constituents in your Lordship's judgment: Surely it is no ill disposition in the loyal subjects of a patriot king, with a decency and firmness adapted to their character, to assert their freedom.

The colonies, as this house humbly conceive, cannot be represented in the British parliament: Their local circumstances, at the distance of a thousand leagues beyond the seas, forbids, and will for ever render it impracticable: This, they apprehend, was the reason that his Majesty's royal prede-

predecessors saw fit to erect subordinate legislative bodies in America as perfectly free as the nature of things would admit, that their remote subjects might enjoy that inestimable right, a representation. Such a legislative is constituted by the royal charter of this province. In this charter, the King, for himself, his heirs and successors, grants to the inhabitants all the lands and territories therein described, in free and common soccage; as ample estate as the subjects can hold under the crown; together with all the rights, liberties, privileges, and immunities of his natural subjects born within the realm; of which the most essential is a power invested in the general assembly to levy proportionable and reasonable taxes on the estates and persons of the inhabitants, for the service of his Majesty, and the necessary defence and support of his government of the province, and the protection and preservation of the inhabitants. But though they were originally, and always, since their settlement, have been considered as subjects remote, they have ever cherished a warm affection for the mother state, and a regard for the interest and happiness of their fellow subjects in Britain. If then the colonies are charged with the most distant thought of an independency, your Lordship may be assured, that, with respect to the people of this province, and, it is presumed, of all the colonies, the charge is unjust.

Nothing would have prevailed upon the house to have given your Lordship this trouble, but the necessity of a powerful advocate, when their liberty is in danger: Such they have more than once found you to be; and as they humbly hope they have never forfeited your patronage, they intreat that your great interest in the national councils may still be employed in their behalf, that they

they may be restored to the standing of free subjects.

That your Lordship may enjoy a firm state of health, and long be continued a great blessing to the nation and her colonies; is the ardent wish of this house.

Signed By the Speaker.

A Letter to the Right Honourable the Lords
Commissioners of the Treasury.

Province of the *Massachusetts-Bay*,
February 17, 1768.

My Lords,

THE house of representatives of this his Majesty's province beg leave to lay before your Lordships the great difficulties to which they are reduced, by the operation of divers acts of parliament, imposing duties to be levied on the subjects of the American colonies, and made with the sole and express purpose of raising a revenue: And beg the favour of your candid judgment and great interest in the national councils for their redress.

As their constituents are not in any manner represented in the parliament, they cannot but much wonder, that taxes and burdens are laid upon them, which they humbly apprehend could have been made to appear to be beyond all bounds of equity and proportion; and this consideration they are sure would have its due weight in the British house of commons.

By act of parliament, your Lordships are sensible, that the colonies are restrained from importing

ing commodities, the growth or manufacture of Europe, saving a few articles, except from Great Britain: By this policy, the demand of British manufactures from the colonies is greatly increased; and the manufacturers have the advantage of their own price. Hence it appears, that what is gained by the subjects in Great Britain, is a loss to those in America; for there can be no doubt, as this house conceive, but that if the colonists were allowed to purchase such commodities at foreign markets, they might have them at a cheaper rate; or, which is the same thing to them, the British manufacturers would be necessitated to reduce their price. Thus also, with regard to the many articles of their produce, which the colonies are by act of parliament restrained from sending to foreign ports: This occasions a great plenty of American exports, and oftentimes a glut at the British markets, which always diminishes the price, and makes a loss to the American, and an equal gain to the subject in Britain. This regulation, evidently designed in favour of those of his Majesty's subjects inhabiting in Great Britain, the house is not at this time complaining of: but they beg your Lordships consideration, whether, in addition to these burdens, it is not grievous to their constituents, to be obliged to pay duties on British manufactures here; especially considering, that, as the consumers of those manufactures, they pay a great proportion of the duties and taxes laid upon them in Britain. It is computed by a late celebrated British writer, that the artificial value arising from these duties is no less than fifty per cent. Your Lordships will then form an estimate of the part that is paid annually upon the importation into America, which is generally allowed to be at least two millions sterling. — So great are the advantages arising yearly to Great Britain

C

from

from the colonies, most of which, it is said, were settled, and have been maintained and defended, till within a very few years, solely at their own expence : This house can affirm for one province only.

But the bearing an unequal share of the public burdens, though a real grievance, is of but small consideration, when compared with another, in the mention of which, the house beg your Lordships indulgence. The duties levied in America, by virtue of the afore-mentioned acts, were imposed with the sole and express purpose of raising a revenue; and are to be applied, in the first place, for the making a more certain and adequate provision for the charge of the administration of justice, and the support of civil government, in such colonies where it shall be found necessary; and the residue is from time to time to be disposed of by parliament, towards defraying the necessary expences of defending, protecting, and securing the colonies. It is humbly submitted, whether his Majesty's commons in Britain have not, by these acts, granted the property of their fellow subjects in America, without their consent in parliament. Your Lordships will allow, that it is an unalterable rule in equity, that a man shall have the free use and sole disposal of his property. This original principle, to the lasting honour of our British ancestors, was in early time ingrafted into the British constitution, and is the greatest security, as well as the brightest ornament of a British subject. It adds to the real grandeur of the British monarch, whose happy subjects have an unshaken opinion of their own safety, which is the perfection of political liberty. Such a constitution shall in future ages be admired, when the names of tyrants and their vassals shall be alike forgot. This constitution, my
 Lords,

Lords, is fixed : It is from thence that all power in the state derives its authority : Therefore, no power can exceed the bounds of it without destroying its own foundation. It is conceived, that even the remotest and most inconsiderable subject hath an equitable claim to the benefit of the fundamental rules of the constitution ; for all British subjects are alike free. The blessings of the British constitution will for ever keep the subjects of this province united to the mother state, as long as the sentiments of liberty are preserved : But what liberty can remain to them, when their property, the fruit of their toil and industry, and the prop of all their future hopes in life, may be taken from them at the discretion of others ? They have never been backward in affording their aid to his Majesty, to the extent of their ability : They can say without vanity, and they may be allowed to boast, that, from the days of their ancestors, no subjects have given more signal proofs of zeal for the service and honour of their sovereign, and affection for the parent country : It has till of late been the invariable usage for his majesty's requisitions to be laid before their own representatives ; and their aid has not been tributary, but the free and voluntary gift of all : The change is in its nature delicate and important ; your Lordships will judge whether there be any necessity or pressing reasons for it : The house are not insensible that the colonies have their enemies, who may have represented them to his majesty's ministers and the parliament as seditious, disloyal, and disposed to set up an independency on Great-Britain : But they rely upon the candour of your Lordships judgment : They can affirm, that with regard to this province, and, they presume, all the colonies, the charge is injurious and unjust ; the superintending authority

of his Majesty's high court of parliament, the supreme legislative over the whole empire, is as clearly admitted here as in Britain; so far as is consistent with the fundamental rules of the constitution; and, it is presumed, it is not further admissible there.

The house are humbly of opinion, that a representation of their constituents in that high court, by reason of local circumstances, will for ever be impracticable: And that his Majesty's royal predecessors were graciously pleased, by charter, to erect a legislative in the province, as perfectly free as a subordination would admit, that the subjects here might enjoy the unalienable right of a representation: And further, that the nation hath ever since considered them as subjects, though remote, and conceded to the acts of their subordinate legislation. Their charter is a check upon them, and effectually secures their dependence on Great-Britain; for no acts can be in force till the King's governor has given his assent, and all laws that are made are laid before his Majesty, who, at any time, during three years after they are made, may disannul them at his royal pleasure: Under this check the house humbly conceive a representation in parliament cannot be necessary for the nation, and for many reasons it cannot be eligible to them: All they desire is, to be placed on their original standing, that they may still be happy in the enjoyment of their invaluable privileges, and the nation may still reap the advantage of their growth and prosperity.

The house intreat your Lordships patience one moment longer, while they just mention the danger they apprehend to their liberties, if the crown, in addition to its uncontroverted right of appointing a governor, should also appoint him a stipend at the expence of the people, and without

out their consent. And also, whether, as the judges and other civil officers of the province do not hold commissions during good behaviour, there is not a probability that arbitrary rule may in some time take effect, to the subversion of the principles of equity and justice, and the ruin of liberty and virtue.

It is humbly hoped, that your Lordships will conceive a favourable opinion of the people of the province; and that you will patronize their liberties, so far as in your great wisdom and candor you shall judge to be right.

Signed by the Speaker.

A circulatory letter, directed to the Speakers of the respective Houses of Representatives and Burgesses on this Continent; a copy of which was also sent to Dennis De Berdt, Esq; their agent, by order of the House, that he might make use of it, if necessary, to prevent any misrepresentations of it in England.

Province of the *Massachusetts-Bay*,
February 11, 1768.

S I R,

THE house of representatives of this province have taken into their serious consideration the great difficulties that must accrue to themselves and their constituents by the operation of several acts of parliament imposing duties and taxes on the American colonies.

As it is a subject in which every colony is deeply interested, they have no reason to doubt but your house is duly impressed with its importance,

ance, and that such constitutional measures will be come into as are proper. It seems to be necessary, that all possible care should be taken, that the representations of the several assemblies upon so delicate a point, should harmonize with each other: The house therefore hope, that this letter will be candidly considered in no other light than as expressing a disposition freely to communicate their mind to a sister colony, upon a common concern, in the same manner as they would be glad to receive the sentiments of your or any other house of assembly on the continent.

The house have humbly represented to the Ministry their own sentiments: that his Majesty's high court of parliament is the supreme legislative power over the whole empire: that in all free states the constitution is fixed; and as the supreme legislative derives its power and authority from the constitution, it cannot overleap the bounds of it, without destroying its own foundation: that the constitution ascertains and limits both sovereignty and allegiance, and therefore his Majesty's American subjects, who acknowledge themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the British constitution: that it is an essential unalterable right in nature ingrafted into the British constitution, as a fundamental law, and ever held sacred and irrevokable by the subjects within the realm, that what a man hath honestly acquired is absolutely his own, which he may freely give, but cannot be taken from him without his consent: That the American subjects may therefore, exclusive of any consideration of charter rights, with a decent firmness adapted to the character of free men and subjects, assert this natural constitutional right.

It

It is, moreover, their humble opinion, which they express with the greatest deference to the wisdom of the parliament, that the acts made there, imposing duties on the people of this province, with the sole and express purpose of raising a revenue, are infringements of their natural and constitutional rights; because, as they are not represented in the British parliament, his Majesty's commons in Britain, by those acts, grant their property without their consent.

This house further are of opinion, that their constituents, considering their local circumstances, cannot by any possibility be represented in parliament; and that it will for ever be impracticable, that they should be equally represented there, and consequently not at all; being separated by an ocean of a thousand leagues: That his Majesty's royal predecessors, for this reason, were graciously pleased to form a subordinate legislative here, that their subjects might enjoy the unalienable right of a representation; also, that considering the utter impracticability of their ever being fully and equally represented in parliament, and the great expence that must unavoidably attend even a partial representation there, this house think, that a taxation of their constituents, even without their consent, grievous as it is, would be preferable to any representation that could be admitted for them there.

Upon these principles, and also considering, that were the right in the parliament ever so clear, yet, for obvious reasons, it would be beyond the rules of equity, that their constituents should be taxed on the manufactures of Great-Britain here, in addition to the duties they pay for them, in England, and other advantages arising to Great Britain from the acts of trade, this house have preferred an humble, dutiful, and loyal petition

to our most gracious sovereign, and made such representations to his Majesty's ministers, as they apprehended would tend to obtain redress.

They have also submitted to consideration, whether any people can be said to enjoy any degree of freedom, if the crown, in addition to its undoubted authority of constituting a governor, should appoint him such a stipend as it shall judge proper, without the consent of the people, and at their expence: And whether, while the judges of the land, and other civil officers, hold not their commissions during good behaviour, their having salaries appointed for them by the crown, independent of the people, hath not a tendency to subvert the principles of equity, and endanger the happiness and security of the subject.

In addition to these measures, the house have wrote a letter to their agent, Mr. De Berdt, the sentiments of which he is directed to lay before the ministry; wherein they take notice of the hardships of the act for preventing mutiny and desertion; which requires the governor and council to provide enumerated articles for the King's marching troops, and the people to pay the expence: And also the commission of the gentlemen appointed commissioners of the customs to reside in America, which authorizes them to make as many appointments as they think fit, and to pay the appointees what sums they please, for whose misconduct they are not accountable: From whence it may happen, that officers of the crown may be multiplied to such a degree, as to become dangerous to the liberty of the people, by virtue of a commission which doth not appear to this house to derive any such advantages to trade as many have been led to expect.

These

These are the sentiments and proceedings of this house : And as they have too much reason to believe, that the enemies of the colonies have represented them to his Majesty's ministers and the parliament as factious, disloyal, and having a disposition to make themselves independent of the mother country, they have taken occasion, in the most humble terms, to assure his Majesty and his ministers, that with regard to the people of this province, and, as they doubt not, of all the colonies, that the charge is unjust.

The house is fully satisfied, that your assembly is too generous and enlarged in sentiment to believe, that this letter proceeds from an ambition of taking the lead, or dictating to the other assemblies : They freely submit their opinion to the judgment of others ; and shall take it kind in your house to point out to them any thing further that may be thought necessary.

This house cannot conclude without expressing their firm confidence in the King, our common head and father, that the united and dutiful supplications of his distressed American subjects will meet with his royal and favourable acceptance.

Signed by the Speaker.

A Letter to the Right Hon. the Earl of Shelburne, occasioned by his Lordship's Letter to his Excellency Governor Bernard, read to the House by the Secretary, by his Excellency's Order.

Province of the *Massachusetts-Bay*,
January 22, 1768.

My Lord,

HIS Excellency Governor Bernard has been pleased to give orders to the secretary of this

this province to read to the house of representatives a letter he had received from your Lordship, dated Whitehall the 17th of September, 1767; which having done, the secretary withdrew, without leaving a copy as usual.

The house were both grieved and astonished to find your Lordship under a necessity of expressing such unfavourable sentiments of the two houses of the general assembly, as well as of some particular members of this house, altogether strangers to you, with regard to the election of counsellors in May last. They observed, that your Lordship's letter had a reference to several of his Excellency's letters, upon which your sentiments seemed to be formed: And as his Excellency had intimated to the speaker of the house his desire of having a copy of a certain letter which the house had directed to be sent to the speakers of the several houses of assembly in the other colonies, a copy of which it is presumed will be laid before your Lordship; the house appointed a committee to wait on his Excellency, and acquaint him, that they were ready to lay before him the said letter, and their whole proceedings, relating to an important affair then before them, if he should desire it. And the same committee was directed humbly to request his Excellency to favour the house with a copy of your Lordship's letter, together with his own letters to which it referred. Whereupon messages passed between the governor and house, which the house beg leave to inclose to your Lordship.

As the house think they have just grounds of suspicion, that his Excellency's letters to your Lordship contain, at least, an implication of charge and accusation against them, which they are kept in ignorance of, they rely upon your known candour and justice, that upon this their humble request, you will be pleased to give orders, that

that copies be laid before the house of representatives ; that they may have the opportunity of vindicating themselves and their constituents, and of happily removing from your mind an opinion of them, grounded, as your Lordship might then reasonably judge, upon good information, as having behaved in a manner unbecoming the character of loyal subjects. They hope you will be so favourable as to suspend your further judgment of them, till they can be made acquainted with the matters that may have been alledged against them, and can make their defence. In the mean time they beg leave just to mention to your Lordship, that the elections of the last May, so far as this house had a part in them, were made with a freedom and deliberation suitable to the importance of them : That they were influenced by no motives but the prosperity of his Majesty's government, and the happiness of his subjects : That the non-election of several gentlemen of distinguished character and station, was by no means the effect of party prejudice, private resentment, or motives still more blameable ; but the result of calm reflection upon the danger that might accrue to our excellent constitution, and the liberties of the people, from too great an union of the legislative, executive and judiciary powers of government, which, in the opinion of the greatest writers, ought always to be kept separate : Nor was this a new opinion, formed at a certain period ; but it has been the prevailing sentiment of many of the most sensible and unexceptionable gentlemen in the province for many years past ; upon principles, which your Lordship's thorough knowledge of the constitution, and the just balance of the several powers of government, this house is assured, will justify. And although his Excellency was pleased to exercise his undoubted right of negativing

negating some of the gentlemen elected, the house have had no reason to alter their opinion of them, as being unexceptionable in point of ability, fortune and character. They beg pardon for this further trouble given to your Lordship, which they could not avoid; being solicitous to set their conduct in its true point of light before you: And they rely upon your known justice, that you will intercede with the throne for this province. They are assured, that your Lordship will not suffer a province to be misrepresented, even by persons in station here: And if there be any such, they flatter themselves, that their removal will render this people happy in the esteem of the parent country, and much more so in the smiles of the best of Kings.

Signed by the Speaker.

A Letter to Dennis De Berdt, Esq; Agent for the House of Representatives.

Province of the *Massachusetts-Bay*,
January 12, 1768.

SIR,

SINCE the last sitting of the general court, divers acts of parliament relating to the colonies have arrived here: And as the people of this province had no share in the framing those laws, in which they are so deeply interested, the house of representatives, who are constitutionally entrusted by them as the guardians of their rights and liberties, have thought it their indispensable duty carefully to peruse them; and having so done, to point out such matters in them as appear to be
grievous

grievous to their constituents, and to seek redress.

The fundamental rules of the constitution are the grand security of all the British subjects; and it is a security which they are all equally entitled to in all parts of his Majesty's extended dominions. The supreme legislative, in every free state, derives its power from the constitution, by the fundamental rules of which it is bounded and circumscribed. As a legislative power is essentially requisite, where any powers of government are exercised, it is conceived, the several legislative bodies in America were erected, because their existence, and the free exercise of their power within their several limits, are essentially important and necessary, to preserve to his Majesty's subjects in America the advantages of the fundamental laws of the constitution.

When we mention the rights of the subjects in America, and the interest we have in the British constitution, in common with all other British subjects, we cannot justly be suspected of the most distant thought of an independency on Great Britain. Some we know, have imagined this of the colonists; and others may perhaps have industriously propagated it, to raise groundless and unreasonable jealousies of them: But it is so far from the truth, that we apprehend the colonies would refuse it if offered to them, and would even deem it the greatest misfortune to be obliged to accept it. They are far from being insensible of their happiness in being connected with the mother country, and of the mutual benefits derived from it to both: It is therefore the indispensable duty of all, to cultivate and establish a mutual harmony, and to promote the intercourse of good offices between them: And while both have the free enjoyment of the rights of our happy constitution, there

there will be no grounds of envy and discontent in the one, nor of jealousy and mistrust in the other.

It is the glory of the British constitution, that it hath its foundation in the law of God and nature: It is an essential natural right, that a man shall quietly enjoy, and have the sole disposal of his own property: This right is adopted into the constitution: This natural and constitutional right is so familiar to the American subjects, that it would be difficult, if possible, to convince them, that any necessity can render it just, equitable, and reasonable, in the nature of things, that the parliament should impose duties, subsidies, talliages, and taxes, upon them, internal or external, for the sole purpose of raising a revenue. The reason is obvious; because they cannot be represented, and therefore their consent cannot be constitutionally had in parliament.

When the parliament, soon after the repeal of the stamp-act, thought proper to pass another act, declaring the authority, power, and right of parliament to make laws that should be binding on the colonies in all cases whatever, it is probable, that acts for levying taxes on the colonies, external and internal, were included: For the act made the last year, imposing duties on paper, glass, &c. as well as the sugar-acts and the stamp-act, are, to all intents and purposes, in form as well as in substance, as much revenue acts as those for the land-tax, customs and excises in England. The necessity of establishing a revenue in America is expressly mentioned in the preambles: They were originated in the Honourable House of Commons, as all other money and revenue bills are; and the property of the colonies, with the same form, ceremony and expressions of loyalty and duty, is thereby given and granted to his Majesty, as they usually

usually give and grant their own. But we humbly conceive that objections to acts of this kind may be safely, if decently made, if they are of dangerous tendency in point of commerce, policy, and the true and real interest of the whole empire. It may, and if it can, it ought to be made to appear, that such acts are grievous to the subject, burthen some to trade, ruinous to the nation, and tending on the whole to injure the revenue of the crown. And surely, if such mighty inconveniencies, evils and mischiefs can be pointed out with decency and perspicuity, there will be the highest reason not only to hope for, but fully to expect redress.

It is observable, that though many have disregarded life and contemned liberty, yet there are few men who do not agree that property is a valuable acquisition, which ought to be held sacred. Many have fought, and bled, and died for this, who have been insensible to all other obligations. Those who ridicule the ideas of right and justice, faith and truth among men, will put a high value upon money: Property is admitted to have an existence even in the savage state of nature: The bow, the arrow, and the tomahawk; the hunting and the fishing ground, are species of property as important to an American savage, as pearls, rubies and diamonds are to the Mogul or a Nabob in the east, or the lands, tenements, hereditaments, messuages, gold and silver of the Europeans. And if property is necessary for the support of savage life, it is by no means less so in civil society. The Utopian schemes of levelling, and a community of goods, are as visionary and impracticable, as those which vest all property in the crown, are arbitrary, despotick, and in our government unconstitutional. Now, what property can the colonists be conceived to have, if their
money

money may be granted away by others without their consent? This most certainly is the present case: for they were in no sense represented in parliament when this act for raising a revenue in America was made. The Stamp-act was grievously complained of by all the colonies: And is there any real difference between this act and the Stamp-act? They were both designed to raise a revenue in America, and in the same manner, viz. by duties on certain commodities: The payment of the duties imposed by the Stamp-act might have been eluded by a total disuse of the stamped paper; and so may the payment of these duties, by the total disuse of the articles on which they are laid: But in neither case without difficulty. Therefore the subjects here are reduced to the hard alternative, either of being obliged totally to disuse articles of the greatest necessity in common life, or to pay a tax without their consent.

The security of right and property is the great end of government: Surely then, such measures as tend to render right and property precarious, tend to destroy both property and government; for these must stand and fall together. It would be difficult, if possible, to show, that the present plan of taxing the colonies is more favourable to them, than that put in use here before the revolution. It seems, by the event, that our ancestors were in one respect, not in so melancholy a situation as we their posterity are. In those times, the crown and the ministers of the crown, without the intervention of parliament, demolished charters, and levied taxes on the colonies at pleasure. Governor Andros, in the time of James the second, declared, that wherever an Englishman sets his foot, all he hath is the king's: And Dudley declared at the council board, and even on the sacred seat of justice, that the privilege of Englishmen,

ishmen, not to be taxed without their consent, and the laws of England, would not follow them to the ends of the earth. It was also, in those days, declared in council, that the king's subjects in New-England did not differ much from slaves; and that the only difference was, that they were not bought and sold: But there was, even in those times, an excellent Attorney-General, Sir William Jones, who was of another mind; and told king James, that he could no more grant a commission to levy money on his subjects in Jamaica, though a conquered island, without their consent by an assembly, than they could discharge themselves from their allegiance to the English crown. But the misfortune of the colonists at present is, that they are taxed by parliament without their consent: This, while the parliament continues resolved to tax us, will ever render our case, in one respect, more deplorable and remediless, under the best of kings, than that of our ancestors was, under the worst. They found relief by the interposition of parliament: But by the intervention of that very power, we are taxed, and can appeal for relief from their final decision to no power on earth; for there is no power on earth above them.

The original contract between the King and the first planters here, was a royal promise in behalf of the nation, and which till very lately it was never questioned but the King had a power to make; namely, that if the adventurers would, at their own cost and charge, and at the hazard of their lives and every thing dear to them, purchase a new world, subdue a wilderness, and thereby enlarge the king's dominions, they and their posterity should enjoy such rights and privileges as in their respective charters are expressed; which are in general all the rights, liberties and

D

privileges

privileges of his Majesty's natural born subjects within the realm. The principal privilege implied, and in some of their charters expressed, is a freedom from all taxes but such as they shall consent to in person or by representatives of their own free choice and election. The late king James broke the original contract of the settlement and government of these colonies: But it proved happy for our ancestors in the end that he had also broken the original compact with his three kingdoms. This left them some gleam of hope: This very thing, finally, was the cause of deliverance to the nation and the colonies, nearly at the same time: It was the parliament, the supreme legislative and constitutional check on the supreme executive, that in time operated effects worthy of itself: The nation and her colonies have since been happy, and our princes patriot kings. The law and reason teaches that the King can do no wrong; and that neither king nor parliament are otherwise inclined than to justice, equity and truth: But the law does not presume that the King may not be deceived, nor that parliament may not be misinformed: If therefore any thing is wrong, it must be imputed to such causes: How far such causes have taken place and operated against the colonies, is humbly submitted to the revision and reconsideration of all.

By the common law, the colonists are adjudged to be natural-born subjects! So they are declared by royal charter; and they are so, by the spirit of the law of nature and nations: No jurist, who has the least regard to his reputation in the republic of letters, will deny that they are entitled to all the essential rights, liberties privileges and immunities of his Majesty's natural subjects, born within the realm. The children of his Majesty's natural born subjects, born passing and

and repassing the seas, have by sundry acts of parliament, from Edward the third to this time, been declared natural-born subjects: And even foreigners, residing a certain time in the colonies, are by acts of parliament entitled to all the rights and privileges of natural born subjects: And it is remarkable that the act of 13 Geo. II. chap. 7. presupposes that the colonists are natural born subjects; and that they are entitled to all the privileges of such; as appears by the preamble, which we shall now recite: "Whereas the increase of people is a means of advancing the wealth and strength of any nation or country: And whereas many foreigners and strangers, from the lenity of our government and purity of our religion, the benefit of our laws, the advantages of our trade, and the security of our property, might be induced to come and settle in some of his Majesty's colonies in America, if they were made partakers of the advantages and privileges which natural born subjects of this realm do enjoy:" Which plainly shews it to be the sense of the nation that the colonies were entitled to, and did actually enjoy the advantages and privileges of natural born subjects. But if it could be admitted as clearly consistent with the constitution, for the parliament of Great-Britain to tax the property of the colonies, we presume, it can be made to appear to be utterly inconsistent with rules of equity that they should, at least at present. It must be considered, that by acts of parliament, the colonies are prohibited from importing commodities of the the growth or manufacture of Europe, except from Great-Britain, saving a few articles. This gives the advantage to Great-Britain of raising the price of her commodities, and is equal to a tax. It is too obvious to be doubted, that by the extraordinary demands, from the colonies,

lonies, of the manufactures of Britain, occasioned by this policy, she reaps an advantage of at least twenty per cent. in the price of them, beyond what the colonies might purchase them for at foreign markets : The loss therefore to the colonists is equal to the gain which is made in Britain. This in reality is a tax, though not a direct one : And admitting, that they take annually from Great-Britain manufactures to the value of two millions sterling, as is generally supposed, they then pay an annual tax of four hundred thousand pounds, besides the taxes which are directly paid on those manufactures in England. The same reasoning will hold good with respect to the many enumerated articles of their produce, which the colonies are restrained by act of parliament from sending to any foreign port : By this restraint, the market is glutted, and consequently the produce sold, is cheaper ; which is an advantage to Great-Britain, and an equal loss to or tax upon the colonists. Is it reasonable, then, that the colonies should be taxed on the British commodities here ? especially when it is considered, that the most of them settled a wilderness, and till very lately defended their settlements without a farthing's expence to the nation. They bore their full proportion of the charges of securing and maintaining his Majesty's rights in America, in every war from their first settlement, without any consideration ; for the grants of parliament in the last war were compensations for an overplus of expence on their part : Many of them, and this province in particular, have always maintained their own frontiers at their own expence ; and have also frequently defended his Majesty's garrison at Annapolis, when it must otherwise have been unavoidably lost. The nation, in the late war, acquired lands equal in value to all the expence she has been at in America, from its settlement ; while

while the trade of the colonies has been only "se-
cured and restricted:" It has not been enlarged,
though new avenues of beneficial commerce have
been opened to the mother country. The colonies
have no share in the lands which they helped to
conquer, while millions of acres of those very
lands have been granted, and still are granting
to people, who, in all probability, will never see,
if they settle, them.

The appropriation of the monies to arise by
these duties is an objection of great weight. It
is, in the first place, to be applied for the pay-
ment of the necessary charges of the administra-
tion of justice, and the support of civil govern-
ment in such colonies where it shall be judged ne-
cessary. This house apprehend, it would be
grievous and of dangerous tendency, if the crown
should not only appoint Governors over the se-
veral colonies, but allow them such stipends as
it shall judge proper, at the expence of the peo-
ple, and without their consent. Such a power un-
der a corrupt administration, it is to be feared,
would introduce an absolute government in Ame-
rica: At best it would leave the people in a state
of utter uncertainty of their security, which is
far from being a state of civil liberty. The judges
in the several colonies do not hold their commis-
sions during good behaviour: If then they are to
have salaries independent of the people, how easy,
will it be for a corrupt Governor to have a set of
judges to his mind, to deprive a bench of
justice of its glory, and the people of their secu-
rity. If the judges of England have independent
livings, it must be remembered, that the te-
nure of their commission is during good beha-
viour, which is a safeguard to the people: And
besides, they are near the throne, the fountain of
right and justice: whereas American judges, as

well as governors, are at a distance from it : Moreover, it is worth particular notice, that in all disputes between power and liberty in America, there is danger that the greatest credit will always be given to the officers of the crown, who are the men in power. This we have sometimes found by experience ; and it is much to be feared, that the nation will fall into some dangerous mistake, if she has not already, by too great attention to the representations of particular persons, and a disregard to others.

But the residue of these monies is to be applied by parliament, from time to time, for defending, protecting and securing the colonies. If the government at home is apprehensive that the colonists will be backward in defending themselves and securing his Majesty's territories in America, it must have been egregiously misinformed. We need look back no farther than the last war for evidence of a contrary disposition : They always discovered the most chearful compliance with his Majesty's requisitions of men and money for this purpose. They were then treated as free British subjects, and never failed to grant aid to his Majesty of their own free accord, to the extent of their ability and even beyond it ; of which, the parliament were then so sensible, that they made them grants, from year to year, by way of compensation for extra services. It is not at all to be doubted but if they are still considered upon the footing of subjects, they will always discover the same disposition to exert themselves for his Majesty's service and their own defence ; which renders a standing army in the colonies a needless expence. Or, if it be admitted that there may be some necessity for them in the conquered province of Canada, where the exercise of the Romish religion, so destructive to civil society, is allowed, surely there

there can be no need of them in the bowels of the old colonies, and even in cities where there is not the least danger of a foreign enemy, and where the inhabitants are as strongly attached to his Majesty's person, family and government, as in Great Britain itself. There is an English affection in the colonists towards the mother country, which will for ever keep them connected with her, to every valuable purpose, unless it shall be erased by repeated unkind usage on her part: As Englishmen, as well as British subjects, they have an aversion to an unnecessary standing army, which they look upon as dangerous to their civil liberties; and considering the examples of ancient times, it seems a little surprizing, that a mother state should trust large bodies of mercenary troops in her colonies, at so great a distance from her, lest, in process of time, when the spirits of the people shall be depressed by the military power, another Cæsar should arise and usurp the authority of his master.

The act enabling his Majesty to appoint commissioners of the customs to reside in America, has also been read in the house. It declares an intention to facilitate the trade of America, of which we cannot have any great hopes from the tenor of the commission. In general, innovations are dangerous: The unnecessary increase of crown officers is most certainly so. These gentlemen are authorized to appoint as many as they shall think proper, without limitation: This will probably be attended with undesirable effects: An host of pensioners, by the arts they may use, may in time become as dangerous to the liberties of the people as an army of soldiers; for there is a way of subduing a people by art as well as by arms: We are happy and safe under his present Majesty's mild and gracious administration, but the time may come, when the united body of pensioners and

soldiers may ruin the liberties of America. The trade of the colonies, we apprehend, may be as easily carried on, and the acts of trade as duly enforced without this commission; and if so, it must be a very needless expence, at a time when the nation and her colonies are groaning under debts contracted in the late war, and how far distant another may be, God only knows.

There is another act which this house apprehend must be alarming to all the colonies; which is the act for suspending the legislative power of the Assembly of New-York on a certain condition. A legislative body without the free exercise of the powers of legislation is to us incomprehensible: There can be no material difference between such a legislative and none at all. It cannot be said that the assembly of New-York hath the free exercise of legislative power, while their very existence is suspended upon their acting in conformity to the will of another body. Such a restriction throughout the colonies would be a short and easy method of annihilating the legislative powers in America, and by consequence, of depriving the people of a fundamental right of the constitution, namely, that every man shall be present in the body which legislates for him.

It may not be amiss to consider the tendency of a suspension of colony legislation for non-compliance with acts of parliament requiring a provincial assembly to give and grant away their own and their constituent's money for the support of a standing army. We cannot but think it hard enough to have our property granted away without our consent: without being ordered to deal it ourselves, as in the case of the mutiny act. It must be sufficiently humiliating to part with our property in either of those ways, much more in both; whereby, as loyal subjects as any under
his

his Majesty's government, and as true lovers of their country as any people whatever, are deprived of the honour and merit of voluntarily contributing to the service of both. What is the plain language of such a suspension? We can discover no more nor less in it than this; If the American assemblies refuse to grant as much of their own and their constituents money, as shall from time to time be enjoined and prescribed by the parliament, besides what the parliament directly taxes them, they shall no longer have any legislative authority; but if they comply with what is prescribed, they may still be allowed to legislate under their charter restrictions. Does not political death and annihilation stare us in the face as strongly on one supposition as the other? Equally in case of compliance as of non-compliance.

But let us suppose, for a moment, a series of events taking place, the most favourable in the opinion of those who are so fond of these new regulations: That all difficulties and scruples of conscience were removed, and that every representative in America should acknowledge a just and equitable right in the Commons of Great-Britain to make an unlimited grant of his and his constituents property: That they have a clear right to invest the crown with all the lands in the colonies, as effectually as if they had been forfeited; Would it be possible for them to conciliate their constituents to such measures? Would not the attempt suddenly cut asunder all confidence and communication between the representative body and the people? What then would be the consequence? Could any thing be reasonably expected but discontent, despair, and rage against their representatives, on the side of the people, and on the part of government, the rigorous exertion of civil and military power? The confusion and misery

misery after such a fatal crisis cannot be conceived, much less described.

The present regulations and proceedings, with respect to the colonies, we apprehend to be opposite to every principle of good and sound policy. A standing army, in the time of profound peace, is naturally productive of uneasiness and discontent among the people: And yet the colonies, by the mutiny act, are ordered and directed to provide certain enumerated articles: and the pains and penalties in case of non-compliance are evident in the precedent of New-York. It also appears that revenue officers are multiplying in the colonies with vast powers: the board of commissioners lately appointed to reside here, have ample discretionary powers given them to make what appointments they please, and to pay the appointees what sums they please: The establishment of a protestant episcopate in America is also very zealously contended for: And it is very alarming to a people, whose fathers, from the hardships they suffered under such an establishment, were obliged to fly their native country into a wilderness, in order peaceably to enjoy their privileges, civil and religious: Their being threatened with the loss of both at once, must throw them into a very disagreeable situation. We hope in God such an establishment will never take place in America, and we desire you will strenuously oppose it. The revenue raised in America, for aught we can tell, may be as constitutionally applied towards the support of prelacy as of soldiers and pensioners: If the property of the subject is taken from him without his consent, it is immaterial, whether it be done by one man or five hundred; or whether it be applied for the support of ecclesiastic or military power, or both. It may be well worth the consideration of the best politician

tician in Great-Britain or America, what the natural tendency, is of a vigorous pursuit of these measures. We are not insensible that some eminent men, on both sides the water, are less friendly to American charters and assemblies than could be wished: It seems to be growing fashionable, to treat them in common conversation, as well as in popular publications, with contempt: But if we look back a few reigns, we shall find that even the august assembly, the parliament, was in every respect the object of a courtier's reproach: It was even an aphorism with King James I. that the Lords and Commons were two very bad copartners with a monarch; and he and his successors broke the copartnership as fast as possible. It is certainly unnatural for a British politician to expect, that ever the supreme executive of the nation can long exist, after the supreme legislative shall be depressed and destroyed, which may God forbid. If the supreme executive cannot exist long in Britain, without the support of the supreme legislative, it should seem very reasonable, in order to support the same supreme executive, at the distance of a thousand transmarine leagues from the metropolis, there should be in so remote dominions, a free legislative, within their charter limitations, as well as an entirely free representative of the supreme executive of his Majesty, in the persons of governors, judges, justices, and other executive officers; otherwise strange effects are to be apprehended. For the laws of God and nature are invariable: A politician may apply or misapply these to a multiplicity of purposes, good or bad; but these laws were never made for politicians to alter. Should the time ever come, when the legislative assemblies of North America shall be dissolved and annihilated, no more to exist again,

again, a strange political phenomenon will probably appear. All laws both of police and revenue must then be made by a legislative at such a distance, that without immediate inspiration, the local and other circumstances of the governed cannot possibly be known to those who give and grant to the crown, what part of the property of their fellow-subjects they please. There will then be no assemblies to support the execution of such laws: And indeed, while existing, by what rule of law or reason are the members of the colony-assemblies executive officers? They have, as representatives, no commission, but from their constituents: And it must be difficult to shew, why they are more obliged to execute acts of parliament than such of their constituents as hold no commissions from the crown. The most that can be expected from either, is submission to acts of parliament; or to aid the officers as individuals, or part of the posse comitatus if required. It would seem strange to call on the representative, in any other way, to execute laws against their constituents and themselves, which both have been so far from consenting to, that neither were consulted in framing them. Yet it was objected by some to the American assemblies, that they neglected to execute the stamp-act: and that their resolves tended to raise commotions; which certainly was not the case here: For all the disorders in Boston, in which any damage was done to property, happened long before the resolves of the house of representatives here were passed.

We have reason to believe, that the nation has been grossly misinformed with respect to the temper and behaviour of the colonists: and it is to be feared that some men will not cease to sow the seeds of jealousy and discord, till they shall have

have done irreparable mischief. You will do a singular service to both countries, if possible, in detecting them. In the mean time, we desire you would make known to his Majesty's ministers the sentiments of this house contained in this letter, and implore a favourable consideration of America.

Signed by the Speaker.

have done it. You will do
a regular service to the country if possible
in doing them. In the mean time we have
not yet seen any of the money. The
the fact of the fact is that in the
for the purpose of the money of the

PAPER

PAPERS RELATING TO A SUPPOSED
LIBEL ON THE GOVERNOR OF
THE PROVINCE OF
MASSACHVSETTS

B A Y.

The following was published in the BOSTON GAZETTE, of February 29.

Messrs. EDDES & GILL.

Please to insert the following.

MAY it please your —, We have for a long time known your enmity to this province. We have full proof of your cruelty to a loyal people. No age has perhaps furnished a more glaring instance of obstinate perseverance in the path of malice, than is now exhibited in your —. Could you have reaped any advantage from injuring this people, there would have been some excuse for the manifold abuses with which you have loaded them. But when a diabolical thirst for mischief is the alone motive of your conduct, you must not wonder if you are treated with open dislike; for it is impossible, how much soever we endeavour it, to *feel* any esteem for a man like you—Bad as the world may be, there is yet in every breast something which points out the good man as an object worthy of respect, and marks the guileful treacherous man-hater for disgust and infamy—

Nothing has ever been more intolerable than your insolence upon a late occasion, when you had by your jesuitical insinuations, induced a worthy minister of state, to form a most unfavourable opinion of the province in general, and some of the most respectable inhabitants in particular; You had the effrontery to produce a letter from his Lordship, as a proof of your success in calumniating us.—Surely you must suppose we have lost all feeling, or you would not dare thus tauntingly to display the trophies of your slanders, and upbraidingly, to make us sensible of the inexplicable misfortunes which you have brought upon

us. — But I refrain lest a full representation of the hardships suffered by this too long insulted people should lead them to an unwarrantable revenge. We never can treat good and patriotic rulers with too great reverence — But it is certain that men totally abandoned to wickedness, can never merit our regard, be their stations ever so high.

"If such men are by God appointed,

*"The Devil may be the Lord's anointed."**

A TRUE PATRIOT.

* *These two Lines are taken from Rochester's Satires.*

B O S T O N, March 3.

Tuesday last his Excellency the Governor was pleased to send the following Message to the Honourable His Majesty's Council.

Gentlemen of the Council.

I HAVE been used to treat the publications in the *Boston Gazette* with the contempt they deserve, but when they are carried to a length, which, if unnoticed, must endanger the very being of government, I cannot consistently with the regard to this province which I profess and really have, excuse myself from taking notice of a publication in the *Boston Gazette* of yesterday, beginning at the top of the second column of the second page of the supplement. I therefore consulted you in council thereupon, and have received your unanimous advice, that I should lay the said libellous paper before the House of Representatives.

In pursuance of which advice, I have ordered the Secretary to communicate to you the said libellous paper, that you may take the same, together with all the circumstances attending it, into your serious consideration, and do therein as
the

the majesty of the King, the dignity of his government, the honour of this general court, and the true interest of this province, shall require.

FRA. BERNARD.

Council-Chamber, March 1, 1768.

In answer to which, there being the full number of the council present excepting three gentlemen, the board unanimously voted the following address to his Excellency.

THE board have taken into serious consideration your Excellency's message of the first instant, with the *Boston Gazette* communicated therewith.

The article in said *Gazette*, referred to by your Excellency, gave the board a real concern, not only as it is mischievous in its tendency, but as it is a false, scandalous, and impudent libel upon your Excellency.

Although the author of it may endeavour to screen himself by the omission of a name, yet as it refers particularly to a transaction so lately had in the general court, there is the highest presumption, the intention of it could be no otherwise than to place your Excellency in the most odious light.

Such an insolent and licentious attack on the chief magistrate (the King's representative in the province) involves in it an attack on government itself; as it is subversive of all order and decorum; and manifestly tends to destroy the subordination, that is absolutely necessary to good government, and the well-being of society. It would have been flagitious at any time, but being perpetrated while the general court is sitting, and a transaction in the court the alledged occasion of it; it becomes from these and other circumstances, in the highest degree flagitious; and may justly be

E 2

deemed,

deemed, not only an insult on the general court ; not only an insult on the King's authority, and the dignity of his government ; but, as it concludes with the most unwarrantable profaneness, an insult upon the King of Kings.

The board therefore cannot but look upon the said libel with the utmost abhorrence and detestation : and they are firmly persuaded the province in general view it in the same light : The threats therefore implied in the said libel cannot be the threats of the province, but of the libeller.

The board take this opportunity with one voice to assure your Excellency, that to the utmost of their power, they will always defend and support the honour and dignity of the King's governor : and will be ever ready to do, in this affair, as in every other, whatever the majesty of the King, the honour of the general court, and the true interest of this province, shall require.

His Excellency was pleased to return the following answer.

GENTLEMEN,

I THANK you most heartily for this address, in which you express so full and unanimous a sense of your duty to the King, and your resolution to support his government in this province. For myself, I am so fortified in a consciousness of my own integrity, which has hitherto defied the utmost malice to impeach it publicly, that I am not to be moved by the impotent attacks of an anonymous libeller. I should not have taken notice of the libel in question, if I had not apprehended it pregnant with danger to the government. As you are of the same opinion, I have only to assure you, that I will at all times most readily join with you in all proper measures to maintain

maintain the authority of the King, and to promote the welfare of the people, within the province, committed by his Majesty to my charge.

FRA. BERNARD.

Council-chamber, March 3, 1768.

His Excellency sent the like message to the house of representatives, as the preceding to the council, mutatis mutandis; to which the house made the following answer.

In the house of representatives March 3, 1768.

ORDERED, that Mr. Hancock, Mr. Otis, Colonel Ward, Mr. Spooner, and Capt. Bradford, be a committee to wait on his Excellency the Governor, with the following answer to his message of the 1st instant.

May it please your Excellency,

In duty and great respect to his Majesty's representative and governor of the province, this house have given all due attention to your message of the first instant. You are pleased to recommend to their serious consideration, a publication in the *Boston Gazette* of Monday last as "being carried to a length, which if unnoticed, must endanger the very being of government." In this view, your Excellency, in the notice you have taken of it, without doubt, acted "consistently with the regard to this province, which you profess."

We are very sorry that any publication in the news-paper, or any other cause, should give your Excellency an apprehension of danger to the being or dignity of his Majesty's government here. But this house, after examination into the nature and importance of the paper referred to, cannot see reason to admit of such conclusion as your Excellency has formed. No particular person public or private is named in it: And as it doth not appear to the house, that any thing contained in it

can affect "the majesty of the King, the dignity of the government, the honour of the general court, or the true interest of the province," they think they may be fully justified in their determination to take no further notice of it.†

The liberty of the press is a great bulwark of the liberty of the people: It is therefore the incumbent duty of those who are constituted the guardians of the people's right, to defend and maintain it. This house, however, as one branch of the legislature, in which capacity alone they have any authority, are ready to discountenance an abuse of this privilege, whenever there shall be occasion for it: Should the proper bounds of it be at any time transgressed, to the prejudice of individuals, or the public, it is their opinion at present, that provision is already made for the punishment of offenders in the common course of the law. This provision, the house apprehend, in the present state of tranquility in the province, is sufficient, without the interposition of the general assembly; which, however it is hoped, will at all times be both ready and willing to support the executive power in the due administration of justice, whenever any extraordinary aid shall become needful.

The division in the house upon this message was 39 to 30.

BOSTON, (Friday) March 4, 1768.

This day his Excellency the Governor prorogued the great and general court unto Wednesday the 13th of April next, after making the following speech,

Gen-

† The division upon this question was 56 to 18.—It was afterwards given in charge to the Grand Jury to present the piece as a libel. They refused to find the Bill. And thus the matter stood when the last advices came from Boston.

Gentlemen of the house of Representatives.

THE moderation and good temper, which appeared to regulate your conduct at the opening this session, so flattered me that I promised myself that the like disposition would have continued to the end of it. But I am sorry to find that the lovers of contention, have shewed themselves not so intent upon preventing it, as upon waiting for a fit opportunity to revive it. The extraordinary and indecent observations which have been made upon the Secretary of State's letter, wrote, as I may say in the presence of the king himself, will fully justify this suggestion. The causes of the censure therein contained have been specifically assigned and set forth in the letter itself. These causes are facts universally known, and no where to be denied; they are considered in the letter as the sole causes of the censure consequent there-to; and there was no occasion to resort to my letters or any other letters for other reasons for it. If you think that this censure is singular, you deceive yourselves; and you are not so well informed of what passes at Westminster as you ought to be, if you do not know that it is as general and extensive as the knowledge of the proceedings to which it is applied. And therefore all your insinuations against me, upon false suppositions of my having misrepresented you, are vain and groundless, when every effect is to be accounted for from plain narrative of facts which must have appeared to the Secretary of State from your own journals. It is not therefore me, gentlemen, that you call to account: it is the noble writer of the letter himself, the King's minister of state, who has taken the liberty to find fault with the conduct of a party in your assembly.

Nor am I less innocent of the making this letter a subject of public resentment. When upon the

best advice, I found myself obliged to communicate it to you, I did it in such a manner, that it might not, and would not, if you had been pleased, have transpired out of the general court. Prudent men, moderate men would have considered it as an admonition rather than a censure, and have made use of it as a means of reconciliation, rather than of further distraction: But there are men to whose being (I mean the being of their importance) everlasting contention is necessary. And by these has this letter been dragged into public, and has been the subject of declamatory observations, which together with large extracts of the letter itself, have immediately after been carried to the press of the publishers of an infamous newspaper, notwithstanding the letter had been communicated in a confidence that no copy of it should be permitted to be taken. So little have availed the noble Lord's intentions of pointing out the means of restoring peace and harmony to this government, and my desire to pursue such salutary purpose to the utmost of my power.

Having said thus much to vindicate myself, which every honest man has a right to do, I must add, that I have done nothing on my part to occasion a dispute between me and your house; it has been forced upon me by particular persons for their own purposes. I never will have any dispute with the representatives of this good people which I can prevent, and will always treat them with due regard, and render them real service when it is in my power. Time and experience will soon pull the masks off those false patriots, who are sacrificing their country to the gratification of their own passions. In the mean while, I shall with more firmness than ever, if it is possible, pursue that steady conduct, which the service of the King and the preservation of this government so forcibly demand

mand of me. And I shall, above all, endeavour to defend this injured country from the imputations which are cast upon it, and the evils which threaten it, arising from the machinations of a few, very few, discontented men, and by no means to be charged on the generality of the people.

Gentlemen of the council,

I return you thanks for your steady, uniform and patriotic conduct during this whole session, which has shewn you impressed with a full sense of your duty both to your king and to your country. The unanimous example of men of your respectable characters, cannot fail of having great weight to engage the people in general, to unite in proper means to put an end to the dissention, which has so long harrassed this province in its internal policy, and disgraced it in its reputation abroad. I shall not fail to make a faithful representation to his Majesty of your merit upon this occasion.

Council-Chamber, March 4, 1768.

B O S T O N.

Messieurs EDES and GILL,

Please to insert the following.

MY *first performance*, has by a strange kind of compliment, been by some applied to his Excellency Gov. Bernard. It is not for me to account for the construction put upon it. Every man has a right to make his own remarks, and if he satisfies himself he will not displease me. I will however inform the public, that I have the most sacred regard to the characters of all good men, and
would

would sooner cut my hand from my body, than strike at the reputation of an honest member of the community: But there are circumstances, in which not justice alone, but humanity itself, obliges us to hold up *the villain to view*, and expose his guilt, to prevent his destroying the innocent. Whoever he is, whose conscience tells him he is not the monster I have portraited, may rest assured, I did not aim at him; but the person who knows the black picture exhibited, to be his own, is welcome to take it to himself. The imputation of disaffection to the king and the government, brought against me by his Majesty's council, I shall answer only by a quotation from the paper which they have been pleased to censure, where I say, "We can never treat good and patriotic rulers with too great reverence." In which sentence I hope the honourable board will not say, I have omitted to declare my sentiments of the duty which every good subject owes to his present Majesty, and all worthy subordinate magistrates. And I flatter myself, that the sentiments of the board coincide with mine; if they do not, I must dissent from them. Their charge of profaneness, I humbly apprehend, was occasioned by their forcing a sense upon the two last lines, totally different from what I intended they should convey. My design was to compare wicked men, and especially wicked magistrates, to those enemies to mankind, the devils, and to intimate that the devils themselves might boast of divine authority to seduce and ruin mankind, with as much reason and justice, as wicked rulers can pretend to derive from God, or from his word, a right to oppress, harass and enslave their fellow citizens. The beneficent Lord of the universe delights in viewing the happiness of all men: And so far as civil government is of divine institution, it was calculated for the greatest

est good of the whole community : And when, ever it ceases to be of general advantage, it ceases to be of divine appointment ; and the magistrates, in such a community, have no claim to that honour which the divine legislature has assigned to magistrates of his election. I hope the honourable board will not condemn a man for expressing his contempt for the odious doctrines of divine hereditary right in princes, and of passive obedience, which he thinks dishonourary to Almighty God, the common and impartial Father of the species, and ruinous both to kings and subjects ; and which, if adhered to, would dethrone his present Majesty, and destroy the British nation. The honourable board is humbly requested to examine whether the above is not the most natural and obvious sense of the quoted lines : Certainly when I read them, I thought it the only sense : and I shall think myself very *unhappy* in my readers, should they generally put that construction upon them which the honourable board have been pleased to adopt.

I shall, at all times, write my sentiments with freedom, and with decency too ; the rules of which I am not altogether unacquainted with. While the press is open, I shall publish whatever I think conducive to the general emolument ; when it is suppressed, I shall look upon my country as lost, and with a steady fortitude expect to feel the general shock !

A TRUE PATRIOT.

In the house of Representatives, Feb. 13, 1768.

WHEREAS this house hath directed that a letter be sent to the several houses of Representatives and Burgesses of the British colonies on the
con-

continent, setting forth the sentiments of the house, with regard to the great difficulties that must accrue by the operation of divers acts of parliament, for levying duties and taxes on the colonies for the sole and express purpose of raising a revenue, and their proceedings thereon, in an humble, loyal, and dutiful petition to the King, and such representations to his Majesty's ministers as they apprehended might have a tendency to their obtaining relief: And whereas it is the opinion of this house, that all effectual methods should be taken to cultivate a harmony between the several branches of this government, as being necessary to promote the prosperity of his Majesty's government in the province;

Resolved, That Mr. Otis, Col. Preble, Mr. Spooner, Mr. Sayward, and Mr. Hall, be a committee to wait on his Excellency the Governor, and acquaint him that a copy of the letter aforesaid will be laid before him as soon as it can be drafted, as well as of all the proceedings of the house relative to said affair, if he shall desire it; and that the said committee humbly request that his Excellency would be pleased to favour the house with a copy of the letter from the Right Hon. the Earl of Shelburne lately read to the house by order of his Excellency, and his own several letters to which it refers.

T. CUSHING, Speaker.

His Excellency's Answer.

Gentlemen of the house of Representatives,

IN answer to your message of the 13th instant, I find it necessary to inform you, that soon after the letter of the Earl of Shelburne was read in your house, I ordered a copy of it to be given to the speaker,

speaker, to be used as he should think fit, upon condition that no other copy should be taken thereof: I am very willing that the copy in the speaker's hands should be communicated to you in any manner which is consistent with that restriction.

I know of no letters of my own which I think can be of any use to you upon this occasion.

I quite agree with you in opinion that all effectual methods should be taken to cultivate an harmony between the several branches of the legislature of this government, as being necessary to promote the prosperity of the province; and I shall cheerfully join with you in all proper measures for so salutary a purpose.

*Council Chamber,,
February 16, 1768.*

FRA. BERNARD.

In the house of Representatives, Feb. 18, 1768.

ORDERED, that Mr. *Hancock*, Major *Frye*, Col. *Richmond*, Col. *Noyes*, and Col. *Stoddard*, be a committee to wait upon his Excellency the Governor and present to him the following answer to his message of the 16th instant.

T. CUSHING, Speaker.

May it please your Excellency,

YOUR message of the 16th instant has been read and duly considered in the house of Representatives. The manner, in which your Excellency was pleased to introduce into this house the letter from the right honourable the Earl of *Shelburne*, by giving orders to the secretary to read it without leaving a copy, appeared to be unprecedented

unprecedented and unparliamentary; but this made but a light impression on the house, when the members recollected, as far as they could, the unfavourable sentiments his lordship thought himself necessitated to entertain of the two houses of this assembly, and of some particular members in this house, whose characters in the opinion of the house stand unimpeachable. Under this apprehension they thought it necessary for their own vindication humbly to request your excellency to favour them with a copy of his lordship's letter; and as it appeared to them that his lordship had formed his sentiments of the two houses, and their members, from your own letters to which he referred, the house thought they could not do themselves and their members justice, unless they could be favoured with a sight of them also, and accordingly requested it of your Excellency.

You are pleased to say that you know of no letters of your "own that you think can be of any use to the house upon this occasion"—The house did not in their vote or message say what occasion they had to request them. But when his lordship expressly says, that it appears from your several letters, that your negativing councillors in the late elections was done with due deliberation and judgment, it is natural for the house to conclude, that your Excellency had thought it convenient, to give his lordship, the particular reasons you had, for a measure so rare and extraordinary.—These reasons seem to have prevailed to justify your Excellency; for his lordship acquaints you, that his Majesty is graciously pleased to approve of your having exerted the power lodged in you by the constitution of the province: But unfortunately for the two houses his lordship passes a different judgment upon their conduct, and

and takes occasion to applaud the wisdom of those who framed the charter, in providing that a power should be placed in the Governor as an occasional check upon any indiscreet use of the right of electing counsellors. It evidently appears from this passage, that his Majesty's minister has conceived an opinion of the two houses, as having made an indiscreet use of a charter right. The house were willing to be convinced that this opinion and other sentiments expressed in his lordship's letter, which imply an high censure upon the two houses, and upon particular members of this house, were rather inferences drawn from your letters, in which his lordship might be liable to mistake, than the direct expressions of it: Had your Excellency been pleased, to have favoured them with the copies, they might have been of use upon this occasion, and satisfactory to the house: But as you have thought proper to refuse them they are left to conjecture with all possible candour, and appeal to the world.

His Lordship is induced to believe, that the assembly have made an indiscreet use of their right of chusing counsellors, to the exclusion of the principal officers of government from the board, whose presence there as counsellors so manifestly tends to facilitate the course of public business, and who have therefore been before this period usually elected; and, that they have thus exerted their right, with a far different intention from that, of promoting the re-establishment of tranquility, and evincing the duty and attachment of the colony towards Great-Britain.—The house would be glad to justify this construction of his Lordship's letter, which is nearly in the words of it, by publishing it in their journals, but that is inconsistent with your Excellency's restrictions.—This is not the first time that his Majesty's ministers and even his

his Majesty himself, after having had before him your Excellency's letters, and the inclosures, has thought it necessary to form an opinion of his loyal subjects of this province, as having a degree of ill temper prevailing among them : And your Excellency cannot be insensible, that the present house have heretofore, for the sake of conciliating the minds of the people and restoring an unanimity to this general court, requested your Excellency to give them the opportunity of making it evident to their constituents, that your letters had no tendency to induce such an opinion ; And the house still think that nothing would tend more to promote the salutary purpose of cultivating an harmony between the several branches of this legislature, in which your Excellency expresses a disposition chearfully to join with the house, than an open and unreserved explanation to each other : For this purpose, the house in their message assured you, that they were ready to lay before you their humble petition to his Majesty, and their representations to his ministers, with all their other proceedings upon the important matters that have been before them, at the same time that they made their reasonable request of your Excellency's letters.

After having recited a great part of the sentiment of his lordship's letter, no one can be astonished at the conclusion he is pleased to make, that under such circumstances it cannot be surprising, that his Majesty's governor exerts the right entrusted to him by the same constitution, to the purpose of excluding those from the council, whose mistaken zeal may have led them into improper excesses, and whose private resentments (and his lordship adds, he should be sorry to ascribe to them motives still more blameable) may in your opinion further lead them to embarrass the

the administration and endanger the quiet of the province.—Surely his lordship would never have passed such a censure upon the two houses of Assembly, nor upon particular gentlemen altogether strangers to him, but upon what he thought to be the best authority: It is far beneath his character and dignity to give credit, or even to hearken to any account so prejudicial to the reputation of the province, and of particular persons, but what he receives from gentlemen in the highest stations in it.—Your Excellency then must allow the house to believe, until they shall be convinced to the contrary, that your several letters, to which his lordship refers, are so fully expressed as to have left his lordship no room to suspect that he could be mistaken.

In such a case your Excellency cannot think that the house can remain in silence: They recommend to their injured members a becoming calmness and fortitude; and take this occasion to bear a testimony to their zeal for the honour of their king and the rights of their constituents: But the character of the people whom this house represent, as well as their own honour is at stake, and requires them to take every prudent measure for their own vindication. The house are truly sorry that this new occasion of mistrust and jealousy has happened, but they can never be so wanting to themselves, as to omit the opportunity of removing from his Lordship's mind the unfavourable impressions which appear by his letters, and what is of much greater importance to them, of standing before their sovereign in their own just character of loyal subjects.

February 23. 1768.

The secretary went down to the house of Representatives with the following message from his Excellency the Governor, which to prevent mistakes was reduced to writing, and a copy thereof delivered to the speaker.

Mr. Speaker,

I am ordered by his Excellency to inform you that as this house has thought fit to permit their message of Feb. 18th, containing extracts from the Secretary of State's letter with observations upon it to be printed in a common news-paper, it is to no purpose to continue the restriction against granting copies of such letter: He therefore consents that it may be entered upon the journal of the house.

Copy of a letter from the Right Hon the Earl of Shelburne, to his Excellency Gov. Bernard, dated Whitehall 17 September 1767, which was read to the house by order of his Excellency and occasioned the letter to his lordship, inserted p. 41.

I HAVE the pleasure to signify to you his Majesty's approbation of your conduct, and to acquaint you that he is graciously pleased to approve of your having exerted the power lodged in you by the constitution of the province of Massachusetts bay, of negativing counsellors in the late election, which appears from your several letters to have been done with due deliberation and judgment.

Those who framed the present charter very wisely provided that this power should be placed
in

in the governor as an occasional check upon any indiscreet use of the right of electing counsellors, which was given by charter to the assembly, which might at certain periods by an improper exercise, have a tendency to disturb the deliberations of that part of the legislature, from whom the greatest gravity and moderation is more peculiarly expected. As long therefore as the assembly shall exert their right of election to the exclusion of the principal officers of government, from council, whose presence there, as counsellors, so manifestly tends to facilitate the course of public business, and who have therefore been before this period usually elected, whilst, in particular, they exclude men of such unexceptionable characters as both the present lieutenant governor and secretary undoubtedly are, and that too, at a time when it is more peculiarly the duty of all parts of the constitution to promote the re-establishment of tranquility, and not forego the least occasion of evincing the duty and attachment of the colony towards Great-Britain, it cannot, under such circumstances, be surprizing that his Majesty's governor exerts the right entrusted to him by the same constitution, to the purpose of excluding those from the council whose mistaken zeal may have led them into improper excesses, and whose private resentments (and I should be sorry to ascribe to them motives still more blameable) may in your opinion further lead them to embarrass the administration and endanger the quiet of the province.

The dispute which has arisen concerning the lieutenant governor's being present without a voice, at the deliberations of the council, is no otherwise important, than as it tends to shew a warmth in the house of representatives which I am extremely sorry for.—There is no pretence of danger

to be apprehended from the presence of the lieutenant governor in council, there is no novelty in the practice, and there is an apparent utility and propriety in admitting *him* to be present at the deliberations of the council, who may be suddenly called to the administration of the province. If this opposition to the lieutenant governor's sitting in council, is to be considered as personal, it must appear here very extraordinary, that a person of his very respectable character, and whose learning and ability have been exerted in the service of America, should yet meet with so much animosity and ill-will in a province, which seems to owe him particular obligations. But the question concerning his admission seems to lie after all in the breast of the council only, as being the proper judges of their own privileges, and as having the best right to determine whom they will admit to be present at their deliberations.

As to what concerns the agency of the province, it is doubtless a point that merits attention: But as matters of this nature from other provinces have been heretofore under the consideration of the lords of trade, his Majesty has been pleased to refer the whole matter to their lordships for their report, before any determination shall be taken thereupon.

I am to inform you, Sir, that it is his Majesty's determined resolution to extend to you his countenance and protection in every constitutional measure that shall be found necessary for the support of his government in the Massachusetts bay: And it will be your care and your duty to avail yourself of such protection in those cases only, where the honour and dignity of his Majesty's government is really either immediately or immediately concerned.

It is unnecessary to observe that the nature of the English constitution is such as to furnish no real ground of jealousy to the colonies, and where there is so large a foundation of confidence, it cannot be, but that accidental jealousies must subside, and things again return to their proper and natural course; the extremes even of legal fight, on either side, though sometimes necessary, are always inconvenient, and men of real property, who must be sensible that their own prosperity is connected with the tranquility of the province, will not long be inactive, suffer their quiet to be disturbed, and the peace and safety of the state endangered by the indiscretion or resentment of any.

I am, with great truth and regard,

Sir, your most obedient

humble servant,

S H E L B U R N E

The

The following Dissertation, which was written at *Boston*, in *New England*, in the year 1765, and then printed there in the *Gazette*, being very curious, and having Connexion with this Publication, it is thought proper to reprint it.

The Author of it, is said to have been JEREMY GRIDLEY, Esq; Attorney General of the Province of *Massachusetts Bay*, Member of the General Court, Colonel of the first Regiment of Militia, President of the Marine Society, and Grand Master of the Free Masons. He died at *Boston*, Sept. 7, 1767.

A Dissertation on the Canon and the Feudal Law.

“ Ignorance and inconsideration, are the two great causes of the ruin of mankind.”— This is an observation of Dr. *Tillotson*, with relation to the interest of his fellow-men, in a future and immortal state; But it is of equal truth and importance, if applied to the happiness of men in society, on this side the grave.—In the earliest ages of the world, *absolute Monarchy*, seems to have

have been the universal form of government. — Kings, and a few of their great counsellors and captains, exercised a cruel tyranny over the people, who held a rank in the scale of intelligence, in those days, but little higher than the camels and elephants, that carried them and their engines to war.

By what causes it was brought to pass, that the people in the middle ages, became more *intelligent* in general, would not perhaps be possible in these days to discover: But the fact is certain; and wherever a general knowledge and sensibility have prevailed among the people, arbitrary government and every kind of oppression have lessened and disappeared in proportion. — Man has certainly an exalted soul! and the same principle in human nature; that aspiring noble principle, founded in benevolence and cherished by knowledge, I mean the love of power, which has been so often the cause of *slavery*, has, whenever freedom has existed, been the cause of freedom. If it is this principle, that has always prompted the princes and nobles of the earth, by every species of fraud and violence, to shake off all the limitations of their power; it is the same that has always stimulated the common people to aspire at independency, and to endeavour at confining the power of the great, within the limits of equity and reason.

The poor people, it is true, have been much less successful, than the great — They have seldom found either leisure or opportunity to form an union and exert their strength — ignorant as they were of arts and letters, they have seldom been able to frame and support a regular opposition. This, however, has been known by the great, to be the temper of mankind, and they have accordingly laboured, in all ages to wrest

from the populace, as they are contemptuously called, the knowledge of their rights and wrongs, and the power to assert the former or redress the latter. I say RIGHTS, for such they have, undoubtedly, antecedent to all earthly government—*Rights*, that cannot be repealed or restrained by human laws—*Rights*, derived from the great Legislator of the universe.

Since the promulgation of christianity, the two greatest systems of tyranny, that have sprung from this original, are the *canon* and *feudal* law—The desire of dominion, that great principle by which we have attempted to account for so much good, and so much evil, is, when properly restrained, a very useful and noble movement in the human mind: But when such restraints are taken off, it becomes an incroaching, grasping, restless and ungovernable power. Numberless have been the systems of iniquity, contrived by the great, for the gratification of this passion in themselves; but in none of them were they ever more successful, than in the invention and establishment of the *canon* and the *feudal* law.

By the former of these, the most refined, sublime, extensive, and astonishing constitution of policy, that ever was conceived by the mind of man, was framed by the Romish clergy for the aggrandisement of their own order. All the epithets I have here given to the Romish policy are just; and will be allowed to be so, when it is considered, that they even persuaded mankind to believe, faithfully and undoubtingly, that God Almighty has intrusted them with the keys of Heaven; whose gates they might open and close at pleasure—with a power of dispensation over all the rules and obligations of morality—with authority to license all sorts of sins and crimes—with a power of deposing princes, and absolv-

ing

ing subjects from allegiance—with a power of procuring or withholding the rain of heaven and the beams of the sun—with the management of earthquakes, pestilence and famine.—Nay with the mysterious, awful, incomprehensible power of creating out of bread and wine, the flesh and blood of God himself.—All these opinions they were enabled to spread and rivet among the people, by reducing their minds to a state of sordid ignorance and flaring timidity; and by infusing into them a religious horror of letters and knowledge. Thus was human nature chained fast for ages, in a cruel, shameful and deplorable servitude, to him and his subordinate tyrants; who, it was foretold, would exalt himself above all that was called God, and that was worshipped.—

In the latter we find another system similar in many respects to the former; which although it was originally formed perhaps for the necessary defence of a barbarous people, against the incursions and invasions of her neighbouring nations; yet, for the same purpose of tyranny, cruelty and lust, which had dictated the canon law, it was soon adopted by almost all the Princes of Europe, and wrought into the constitution of their government.—It was originally a code of laws, for a vast army in a perpetual encampment.—The general was invested with the sovereign propriety of all the lands within the territory.—Of him, as his servants and vassals, the first rank of his great officers held the lands; and in the same manner, the other subordinate officers held of them; and all ranks and degrees, held their lands, by a variety of duties and services, all tending to bind the chains the faster, on every order of mankind. In this manner, the common people were held together, in herds and clans, in a state of servile dependance on their Lords, bound, even by the tenure of their lands to follow them, whenever they

they commanded, to their wars, and in a state of total ignorance of every thing divine and human, excepting the use of arms, and the culture of their lands.

But another event still more calamitous to human liberty was a wicked confederacy, between the two systems of tyranny above described.—It seems to have been stipulated between them, that the temporal grandees should contribute every thing in their power to maintain the ascendancy of the priesthood; and that the spiritual grandees, in their turn, should employ that ascendancy over the consciences of the people, in impressing on their minds, a blind, implicit obedience to civil magistracy.

Thus, as long as this confederacy lasted, and the people were held in ignorance; Liberty, and with her, knowledge, and virtue too, seem to have deserted the earth; and one age of darkness succeeded another, till God, in his benign Providence, raised up the champions, who began and conducted the Reformation.—From the time of the Reformation, to the first settlement of America, knowledge gradually spread in Europe, but especially in England; and in proportion as that increased and spread among the people, ecclesiastical and civil tyranny, which I use as synonymous expressions, for the *canon* and *feudal* laws, seem to have lost their strength and weight. The people grew more sensible of the wrong that was done them, by these systems; more and more impatient under it; and determined at all hazards to rid themselves of it; till, at last, under the execrable race of the Stuarts, the struggle between the people and the confederacy aforesaid of temporal and spiritual tyranny, became formidable, violent and bloody.—

It

It was this great struggle that peopled America.—It was not religion alone, as is commonly supposed; but it was a love of *universal* liberty, and an hatred, a dread, an horror of the infernal confederacy before described, that projected, conducted, and accomplished the settlement of America.

It was a resolution formed by a sensible people, I mean the *puritans* almost in despair. They had become intelligent in general, and many of them learned.—For this fact I have the testimony of Archbishop *King* himself, who observed of that people, that they were more intelligent, and better read than even the members of the church, whom he censures warmly for that reason.—This people had been so vexed, and tortured by the powers of those days, for no other crime than their knowledge and their freedom of enquiry and examination; and they had so much reason to despair of deliverance from those miseries on that side the ocean, that they at last resolved to fly to the *wilderness* for refuge, from the temporal and spiritual principalities and powers, and plagues, and scourges of their native country.

After their arrival here, they began their settlement, and formed their plan both of ecclesiastical and civil government, in direct opposition to the *canon* and the feudal systems.—The leading men among them, both of the clergy and the laity were men of sense and learning: To many of them, the historians, orators, poets and philosophers of Greece and Rome were quite familiar; and some of them have left libraries that are still in being, consisting chiefly of volumes, in which the wisdom of the most enlightened ages and nations is deposited, written however in languages, which their great grandsons, though educated in *European Universities*, can scarcely read.

Thus

Thus accomplished were many of the first planters of these colonies. It may be thought polite and fashionable, by many modern fine gentlemen perhaps, to deride the characters of these persons as enthusiastical, superstitious and republican: But such ridicule is founded in nothing but foppery and affectation, and is grossly injurious and false.—Religious to some degree of enthusiasm, it may be admitted they were; but this can be no peculiar derogation from their character, because it was at that time almost the universal character not only of England but of Christendom. Had this however been otherwise, their enthusiasm, considering the principles in which it was founded, and the ends to which it was directed, far from being a reproach to to them, was greatly to their honour: for I believe it will be found universally true, that no great enterprize, for the honour and happiness of mankind, was ever atchieved without a large mixture of that noble infirmity. Whatever impressions may be justly ascribed to them, which however are as few as any mortals have discovered, their judgment in framing their policy was founded in wise, humane and benevolent principles. It was founded in revelation and in reason too: It was consistent with the principles of the best, and greatest, and wisest legislators of antiquity.—Tyranny in every form, shape and appearance, was their disdain and abhorrence; no fear of punishment, nor even of death itself, in exquisite tortures, had been sufficient to conquer that steady, manly pertinacious spirit, with which they had opposed the tyrants of those days in church and state. They were very far from being enemies to monarchy; and they knew as well as any men, the just regard and honour that is due to the character of a dispenser of the mysteries

steries of the gospel of grace : But they saw clearly, that popular powers must be placed as a guard, a controul, a balance, to the powers of the monarch and the priest in every government; or else it would soon become the man of sin, the whore of Babylon, the mystery of iniquity, a great and detestable system of fraud, violence and usurpation. Their greatest concern seems to have been to establish a government of the church more consistent with the scriptures and a government of human nature, than any they had seen in Europe; and to transmit such a government down to their posterity with the means of securing and preserving it for ever. To render the popular power in their new government as great and wise as their principles of theory, i. e. as human nature and the christian religion require it should be, they endeavoured to remove from it as many of the feudal inequalities and dependencies as could be spared, consistently with the preservation of a mild limited monarchy. And in this they discovered the depth of their wisdom, and the warmth of their friendship to human nature.—But the first place is due to religion.—They saw clearly, that of all the nonsense and delusion which had ever passed through the mind of man, none had ever been more extravagant than the notions of absolutions, indelible characters, uninterrupted successions, and the rest of those phantastical ideas, derived from the canon law, which had thrown such a glare of mystery, sanctity, reverence and right reverend eminence, and holiness around the idea of a priest, as no mortal could deserve, and as always must, from the constitution of human nature, be dangerous in society. For this reason, they demolished the whole system of Diocesan episcopacy, and deriding, as all reasonable and impartial men must do, the ridiculous
fancies

fancies of sanctified effluvia from episcopal fingers, they established sacerdotal ordination on the foundation of the Bible and common sense.—This conduct at once imposed an obligation on the whole body of the clergy, to industry, virtue, piety and learning; and rendered that whole body infinitely more independent on the civil powers, in all respects, than they could be where they were formed into a scale of subordination, from a Pope down to priests and friars and confessors, necessarily and essentially a sordid, stupid, and wretched herd; or than they could be in any other country, where an archbishop held the place of an universal bishop, and the vicars and curates that of the ignorant, dependent, miserable rabble aforesaid; and infinitely more sensible and learned than they could be in either.—This subject has been seen in the same light by many illustrious patriots, who have lived in America, since the days of our forefathers, and who have adored their memory for the same reason.—And methinks there has not appeared in New England, a stronger veneration for their memory, a more penetrating insight into the grounds and principles and spirit of their policy, nor a more earnest desire of perpetuating the blessings of it to posterity, than that fine institution of the late Chief Justice Dudley of a lecture against popery, and on the validity of Presbyterian ordination. This was certainly intended by that wise and excellent man, as an eternal memento of the wisdom and goodness of the very principles that settled America. But I must again return to the feudal law.—The adventurers so often mentioned, had an utter contempt of all that dark ribaldry of hereditary indefeasible right,—the Lord's anointed.—And the divine miraculous original of government, with which the priesthood had enveloped the feudal monarch in clouds and mysteries, and from whence they

they had deduced the most mischievous of all doctrines, that of passive obedience and non-resistance. They knew that government was a plain, simple, intelligible thing, founded in nature and reason, and quite comprehensible by common sense.—They detested all the base services, and servile dependencies of the feudal system.—They knew that no such unworthy dependencies took place in the ancient seats of liberty, the republic of Greece and Rome: and they thought all such slavish subordinations were equally inconsistent with the constitution of human nature, and that religious liberty with which Jesus had made them free. This was certainly the opinion they had formed, and they were far from being singular or extravagant in thinking so.—Many celebrated modern writers in Europe have espoused the same sentiments.—Lord Kaimes, a Scottish writer of great reputation, whose authority in this case ought to have the more weight, as his countrymen have not the most worthy ideas of liberty, speaking of the feudal law, says, “A constitution so contradictory to all the principles which govern mankind, can never be brought about, one should imagine, but by foreign conquest or native usurpations.” Brit. Ant. P. 2.—Rousseau speaking of the same system, calls it “That most iniquitous and absurd form of government, by which human nature was so shamefully degraded.” Social compact, Page 164.—It would be easy to multiply authorities; but it must be needless, because as the original of this form of government was among savages, as the spirit of it is military and despotic, every writer, who would allow the people to have any right to life or property or freedom more than the beasts of the field, and who was not hired or enlisted under arbitrary lawless power, has been always willing

willing to admit the feudal system to be inconsistent with liberty and the rights of mankind.

To have holden their lands, allodially, or for every man to have been the sovereign lord and proprietor of the ground he occupied, would have constituted a government, too nearly like a commonwealth. They were contented therefore to hold their lands of their king, as their sovereign lord, and to him they were willing to render homage: but to no mesne and subordinate lords, nor were they willing to submit to any of the baser services.—In all this they were so strenuous, that they have even transmitted to their posterity, a very general contempt and detestation of holdings by quit-rents: As they have also an hereditary ardor for liberty and thirst for knowledge.—

They were convinced by their knowledge of human nature derived from history and their own experience, that nothing could preserve their posterity from the encroachments of the two systems of tyranny, in opposition to which, as has been observed already, they erected their government in church and state, but knowledge diffused generally through the whole body of the people.—Their civil and religious principles, therefore, conspired to prompt them to use every measure, and take every precaution in their power to propagate and perpetuate knowledge. For this purpose they laid very early the foundations of colleges, and invested them with ample privileges and emoluments; and it is remarkable that they have left among their posterity, so universal an affection and veneration for those seminaries and for liberal education, that the meanest of the people contribute cheerfully to the support and maintenance of them every year, and that nothing is more generally popular than projections for the honour, reputation and advantage of those
seats

seats of learning. But the wisdom and benevolence of our fathers rested not here. They made an early provision by law, that every town consisting of so many families, should be always furnished with a grammar school.—They made it a crime for such a town to be destitute of a grammar school-master for a few months, and subjected it to an heavy penalty.—So that the education of all ranks of people was made the care and expence of the Public in a manner, that I believe has been unknown to any other people ancient or modern.

The consequences of these establishments we see and feel every day.—A native of America who cannot read and write is as rare an appearance as a Jacobite or a Roman Catholic, i. e. as rare as a comet or an earthquake.—It has been observed that we are all of us, lawyers, divines, politicians and philosophers.—And I have good authorities to say, that all candid foreigners who have passed through this country, and conversed freely with all sorts of people here, will allow, that they have never seen so much knowledge and civility among the common people in any part of the world.—It is true there has been among us a party for some years, consisting chiefly, not of the descendents of the first settlers of this country, but of high churchmen and high statesmen, imported since, who affect to censure this provision for the education of our youth as a needless expence, and an imposition upon the rich in favour of the Poor;—and as an institution productive of idleness and vain speculation among the people, whose time and attention it is said ought to be devoted to labour, and not to public affairs, or to examination into the conduct of their superiors. And certain officers of the crown, and certain other missionaries of ignorance, foppery, servility and slavery, have

G

been,

been most inclined to countenance and increase the same party. — Be it remembered however that liberty must at all hazards be supported. We have a right to it, derived from our Maker. But if we had not, our fathers have earned and bought it for us at the expence of their ease, their estates, their pleasure, and their blood. — And Liberty cannot be preserved without a general knowledge among the people, who have a right, from the frame of their nature, to knowledge, as their great Creator, who does nothing in vain, has given them understandings and a desire to know; but besides this they have a right, an indisputable, unalienable, indefeasible, divine right to that most dreaded and envied kind of knowledge, I mean of the characters and conduct of their rulers. Rulers are no more than attorneys, agents and trustees for the people: and if the cause, the interest and trust is insidiously betrayed, or wantonly trifled away, the people have a right to revoke the authority that they themselves have deputed, and to constitute abler and better agents, attorneys and trustees. And the preservation of the means of knowledge, among the lowest ranks, is of more importance to the Public, than all the property of all the rich men in the country. It is even of more consequence to the rich themselves, and to their posterity. — The only question is, whether it is a public emolument? and if it is, the rich ought undoubtedly to contribute in the same proportion as to all other public burdens, i. e. in proportion to their wealth which is secured by public expences. — But none of the means of information are more sacred, or have been cherished with more tenderness and care by the settlers of America, than the press. Care has been taken that the art of Printing should be encouraged, and that it should be easy and cheap and safe for any person

person to communicate his thoughts to the Public. — And you, Messieurs Printers, whatever the tyrants of the earth may say of your Paper, have done important service to your country, by your readiness and freedom in publishing the speculations of the curious. The stale, impudent insinuations of slander and sedition, with which the germandizers of power have endeavoured to discredit your Paper, are so much the more to your honour; for the jaws of power are always opened to devour, and her arm is always stretched out if possible to destroy, the freedom of thinking, speaking and writing. — And if the public interest, liberty and happiness have been in danger, from the ambition or avarice of any great man, whatever may be their politeness, address, learning, ingenuity, and in other respects integrity and humanity, you have done yourselves honour and your country service, by publishing and pointing out that avarice and ambition. — These views are so much the more dangerous and pernicious, for the virtues with which they may be accompanied in the same character, and with so much the more watchful jealousy to be guarded against.

“Curse on such virtues, they’ve undone their country.”

Be not intimidated therefore, by any terrors, from publishing with the utmost freedom whatever can be warranted by the laws of your country; nor suffer yourselves to be wheedled out of your liberty by any pretences of politeness, delicacy or decency. These as they are often used, are but three different names for hypocrisy, chicanery and cowardice. Much less I presume will you be discouraged by any pretences, that malignants on this side the water will represent your Paper as factious and seditious, or that the Great on the other side the water will take offence at

them. This dread of representation has had for a long time in this province effects very similar to what the physicians call an hydropho, or dread of water.—It has made us delirious—and we have rushed headlong into the water, till we are almost drowned, out of simple or phrensical fear of it. Believe me, the character of this country has suffered more in Britain, by the pusillanimity with which we have borne many insults and indignities from the creatures of power at home, and the creatures of those creatures here, than it ever did or ever will by the freedom and spirit that has been or will be discovered in writing, or action. Believe me, my countrymen, they have imbibed an opinion on the other side the water, that we are an ignorant, a timid and a stupid people; nay their tools on this side have often the impudence to dispute your bravery.—But I hope in God the time is near at hand, when they will be fully convinced of your understanding, integrity and courage. But can any thing be more ridiculous, were it not too provoking to be laughed at, than to pretend that offence should be taken at home for writings here?—Pray let them look at home. Is not the human understanding exhausted there? Are not reason, imagination, wit, passion, senses and all, tortured to find out satyr and invective against the characters of the vile and futile fellows who sometimes get into place and power?—The most exceptionable paper that ever I saw here is perfect prudence and modesty in comparison of multitudes of their applauded writings. Yet the high regard they have for the freedom of the Press, indulges all.—I must and will repeat it, your Paper deserves the patronage of every friend to his country. And whether the defamers of it are arrayed in robes of scarlet or sable, whether they lurk and and skulk in an insurance office, whether

they

they assume the venerable character of a priest, the sly one of a scrivener, or the dirty, infamous, abandoned one of an informer, they are all the creatures and tools of the lust of domination.—

The true source of our sufferings, has been our timidity.

We have been afraid to think.—We have felt a reluctance to examining into the grounds of our privileges, and the extent in which we have an indisputable right to demand them, against all the power and authority on earth.—And many who have not scrupled to examine for themselves, have yet for certain prudent reasons been cautious, and diffident of declaring the result of their enquiries.

The cause of this timidity is perhaps hereditary, and to be traced back in history, as far as the cruel treatment the first settlers of this country received, before their embarkation for America, from the government at home.—Every body knows how dangerous it was, to speak or write in favour of any thing, in those days, but the triumphant system of religion or politicks. And our fathers were, particularly, the objects of the persecutions and proscriptions of the times.—It is not unlikely therefore, that, although they were inflexibly steady in refusing their positive assent to any thing against their principles, they might have contracted habits of reserve, and a cautious diffidence of asserting their opinions publickly.—These habits they probably brought with them to America, and have transmitted down to us.—Or, we may possibly account for this appearance, by the great affection and veneration, Americans have always entertained for the country from whence they sprang— or by the quiet temper for which they have been remarkable, no country having been less disposed to discontent than this—or by a sense

they have, that it is their duty to acquiesce under the administration of government, even when in many smaller matters grievous to them, and until the essentials of the great compact are destroyed or invaded. These peculiar causes might operate upon them; but without these, we all know, that human nature itself, from indolence, modesty, humanity or fear, has always too much reluctance to a manly assertion of its rights. Hence perhaps it has happened that nine-tenths of the species are groaning and gasping in misery and servitude.

But whatever the cause has been, the fact is certain, we have been excessively cautious of giving offence by complaining of grievances—And it is as certain, that American governors, and their friends, and all the crown officers, have availed themselves of this disposition in the people.—They have prevailed on us to consent to many things, which were grossly injurious to us, and to surrender many others with voluntary tameness, to which we had the clearest right. Have we not been treated formerly, with abominable insolence, by officers of the navy?—I mean no insinuation against any gentleman now on this station, having heard no complaint of any one of them to his dishonour.—Have not some generals, from England, treated us like servants, nay, more like slaves than like Britons?—Have we not been under the most ignominious contribution, the most abject submission, the most supercilious insults of some custom-house officers? Have we not been trifled with, browbeaten, and trampled on, by former governors, in a manner which no King of England since James the second has dared to indulge towards his subjects? Have we not raised up one family, in them placed an unlimited confidence, and been soothed, and flattered, and intimidated by their influence, into a great part of this
this

this infamous tameness and submission? — “These are serious and alarming questions, and deserve a dispassionate consideration.” —

This disposition has been the great wheel and the main spring in the American machine of court politics — We have been told, “the word *Rights* is an offensive expression.” That “the King his ministry and parliament will not endure to hear Americans talk of their *Rights*.” That “Britain is the mother and we the children, that a filial duty and submission is due from us to her,” and that “we ought to doubt our own judgment, and presume that she is right, even when she seems to us to shake the foundations of government.” That “Britain is immensely rich, and great, and powerful, has fleets and armies at her command, which have been the dread and terror of the universe, and that she will force her own judgment into execution, right or wrong.” But let me intreat you, Sir, to pause — Do you consider yourself as a missionary of loyalty or of rebellion? Are you not representing your K — his ministry and parliament, as tyrants, imperious, unrelenting tyrants by such reasoning as this? — Is not this representing your most gracious sovereign, as endeavouring to destroy the foundations of his own throne? — Are you not representing every member of parliament as renouncing the transactions at *Runing Med*; [the meadow, near Windsor, where *Magna Charta* was signed,] and as repealing in effect the bill of rights, when the Lords and Commons asserted and vindicated the rights of the people and their own rights, and insisted on the King’s assent to that assertion and vindication? Do you not represent them, as forgetting that the prince of Orange was created King William by the people, on purpose that their rights might be eternal and inviolable? — Is there not something extremely fallacious, in the

common place images of mother country and children colonies? Are we the children of Great Britain, any more than the cities of London, Exeter and Bath? Are we not brethren and fellow subjects, with those in Britain, only under a somewhat different method of legislation, and a totally different method of taxation? But admitting we are children; have not children a right to complain when their parents are attempting to break their limbs, to administer poison, or to sell them to enemies for slaves? Let me intreat you to consider, will the mother be pleased, when you represent her as deaf to the cries of her children? When you compare her to the infamous miscreant, who lately stood on the gallows for starving her child? When you resemble her to Lady Macbeth in Shakespear, (I cannot think of it without horror)

Who, "had given suck, and knew
 "How tender 'twas to love the Babe that milk'd
 her."

But yet, who could,
 "Even while 'twas smiling in her Face,
 "Have pluck'd her Nipple from the boneless
 Gums,
 "And dash'd the Brains out."

Let us banish for ever from our minds, my countrymen, all such unworthy ideas of the King, his ministry and parliament. Let us not suppose, that all are become luxurious, effeminate and unreasonable, on the other side the water, as many designing persons would insinuate. Let us presume, what is in fact true, that the spirit of liberty, is as ardent as ever among the body of the nation, though a few individuals may be corrupted.—Let us take it for granted, that the same great spirit, which once gave Cæsar so warm a reception;

reception; which denounced hostilities against John, 'till Magna Charta was signed; which severed the head of Charles the first from his body, and drove James the second from his kingdom; the same great spirit (may heaven preserve it till the earth shall be no more) which first seated the great grand-father of his present most gracious Majesty on the throne of Britain, is still alive and active and warm in England; and that the same spirit in America, instead of provoking the inhabitants of that country, will endear us to them for ever and secure their good will.

This spirit, however, without knowledge, would be little better than a brutal rage.—Let us tenderly and kindly cherish therefore the means of knowledge. Let us dare to read, think, speak and write.—Let every order and degree among the people rouse their attention and animate their resolution.—Let them all become attentive to the grounds and principles of government, ecclesiastical and civil—Let us study the law of nature; search into the spirit of the British constitution; read the histories of ancient ages; contemplate the great examples of Greece and Rome; set before us the conduct of our own British ancestors, who have defended for us, the inherent rights of mankind against foreign and domestic tyrants and usurpers, against arbitrary kings and cruel priests, in short against the gates of earth and hell.—Let us read and recollect and impress upon our souls the views and ends of our own more immediate fore-fathers in exchanging their native country for a dreary, inhospitable wilderness. Let us examine into the nature of that power and the cruelty of that oppression which drove them from their homes. Recollect their amazing fortitude, their bitter sufferings! The hunger, the nakedness, the cold, which they patiently endured! The severe

were labours of clearing their grounds, building their houses, raising their provisions, amidst dangers from wild beasts and savage men, before they had time or money or materials for commerce! Recollect the civil and religious principles, and hopes, and expectations, which constantly supported and carried them through all hardships, with patience and resignation! Let us recollect it was liberty! the hope of liberty for themselves and us and ours, which conquered all discouragements, dangers and trials!—In such researches as these let us all in our several departments cheerfully engage? But especially the proper patrons and supporters of law, learning and religion.

Let the pulpit resound with the doctrines and sentiments of religious liberty.—Let us hear the danger of thralldom to our consciences, from ignorance, extream poverty and dependance, in short from civil and political slavery.—Let us see delineated before us, the true map of man. Let us hear the dignity of his nature, and the noble rank he holds among the works of God! that consenting to slavery is a sacrilegious breach of trust, as offensive in the sight of God, as it is derogatory from our own honour or interest or happiness; and that God almighty has promulgated from heaven, liberty, peace, and goodwill to man!—

Let the Bar proclaim, “the laws, the rights, the generous plan of power,” delivered down from remote antiquity; inform the world of the mighty struggles, and numberless sacrifices, made by our ancestors, in defence of freedom.—Let it be known, that British liberties are not the grants of princes or parliaments, but original rights, conditions of original contracts, co-equal with prerogative, and co-eval with government.—That many of our rights are inherent and essential, agreed on as maxims and establish’d as preliminaries,
even

even before a parliament existed.—Let them search for the foundations of British laws and government in the frame of human nature, in the constitution of the intellectual and moral world.—There let us see, that truth, liberty, justice, and benevolence, are its everlasting basis; and if these could be removed, the superstructure is overthrown of course.—

Let the colleges join their harmony, in the same delightful concert.—Let every declamation turn upon the beauty of liberty and virtue, and the deformity, turpitude and malignity of slavery and vice.—Let the public disputations become researches into the grounds and nature and ends of government, and the means of preserving the good and demolishing the evil.—Let the dialogues and all the exercises become the instruments of impressing on the tender mind, and of spreading and distributing, far and wide, the ideas of right and the sensations of freedom.

In a word, let every sluice of knowledge be open'd and set a flowing. The encroachments upon liberty, in the reigns of the first James and the first Charles, by turning the general attention of learned men to government, are said to have produced the greatest number of consummate statesmen, which has ever been seen in any age or nation. The Brooke's, Hamden's, Vane's, Selden's, Milton's, Nedham's, Harrington's, Neville's, Sydney's, Locke's, are all said to have owed their eminence in political knowledge, to the tyrannies of those reigns. The prospect, now before us, in America, ought, in the same manner, to engage the attention of every man of learning to matters of power and of right, that we may be neither led nor driven blindfolded to irretrievable destruction.—Nothing less than this seems to have been meditated for us, by somebody or other

ther in Great Britain. There seems to be a direct and formal design on foot, to enslave all America. — This however must be done by degrees. — The first step that is intended seems to be an entire subversion of the whole system of our Fathers, by the introduction of the canon and feudal law, into America. — The canon and feudal systems, though greatly mutilated in England, are not yet destroy'd. Like the temples and palaces, in which the great contrivers of them, once worshipped and inhabited, they exist in ruins; and much of the domineering spirit of them still remains. — The designs and labours of a certain society, to introduce the former of them into America, have been well exposed to the public by a writer of great abilities, [the late Rev. Dr. Mayhew] and the further attempts to the same purpose that may be made by that society, or by the ministry or parliament, I leave to the conjectures of the thoughtful. — But it seems very manifest from the S—p A—t itself, that a design is formed to strip us in a great measure of the means of knowledge, by loading the Press, the Colleges, and even an Almanack and a Newspaper, with restraints and duties; and to introduce the inequalities and dependancies of the feudal system, by taking from the poorer sort of people all their little subsistence, and conferring it on a set of stamp-officers, distributors and their deputies. — But I must proceed no further at present — The sequel, whenever I shall find health and leisure to pursue it, will be a “disquisition of the policy of the stamp-act.” — In the mean time, however, let me add, These are not the vapours of a melancholy mind, nor the effusions of envy, disappointed ambition, nor of a spirit of opposition to government: but the emanations of an heart that burns for its country's welfare. No
one

one of any feeling, born and educated in this once happy country, can consider the numerous distresses, the gross indignities, the barbarous ignorance, the haughty usurpations, that we have reason to fear are meditating for ourselves, our children, our neighbours, in short for all our countrymen and all their posterity, without the utmost agonies of heart, and many tears.

POSTSCRIPT.

To render this Publication still more complete, the following Letter is added to it; which first appeared in a *London Paper*, *January 7, 1768.*

The waves never rise but when the winds blow. Prov.

S I R,

As the cause of the present ill humour in America, and of the resolutions taken there to purchase less of our manufactures, does not seem to be generally understood, it may afford some satisfaction to your Readers, if you give them the following short historical state of facts.

From the time that the Colonies were first considered as capable of granting aids to the Crown, down to the end of the last war, it is said, that the constant mode of obtaining those aids was, by *Requisition* made from the Crown, through its Governors to the several Assemblies, in circular letters from the Secretary of State in his Majesty's name, setting forth the occasion, requiring them to take the matter into consideration, and expressing a reliance in their prudence, duty, and affection to his Majesty's government, that they would grant such sums, or raise such numbers of men, as were suitable to their respective circumstances.

The Colonies being accustomed to this method, have from time to time granted money to the
Crown,

Crown, or raised troops for its service, in proportion to their abilities; and during all the last war beyond their abilities, so that considerable sums were return'd them yearly by Parliament, as they had exceeded their proportion.

Had this happy method of Requisition been continued, (a method that left the King's subjects in those remote countries the pleasure of showing their zeal and loyalty, and of imagining that they recommend themselves to their Sovereign by the liberality of their voluntary grants) there is no doubt, but all the money that could reasonably be expected to be rais'd from them in any manner, might have been obtained, without the least heart-burning, offence, or breach of the harmony, of affections and interests, that so long subsisted between the two countries.

It has been thought wisdom in a government exercising sovereignty over different kinds of people, to have some regard to prevailing and established opinions among the people to be governed, wherever such opinions might in their effects obstruct or promote publick measures. If they tend to obstruct publick service, they are to be changed, if possible, before we attempt to act against them; and they can only be changed by reason and persuasion. But if publick business can be carried on without thwarting those opinions, if they can be, on the contrary, made subservient to it, they are not unnecessarily to be thwarted, how absurd soever such popular opinions may be in their natures. — This had been the wisdom of our Government with respect to raising money in the Colonies. It was well known, that the Colonists universally were of opinion, that no money could be levied from English subjects, but by their own consent given by themselves or their chosen Representatives: That therefore whatever money was
to

to be raised from the people in the Colonies, must first be granted by their Assemblies, as the money raised in Britain is first to be granted by the House of Commons: That this right of granting their own money, was essential to English liberty: And that if any man, or body of men, in which they had no Representative of their chusing, could tax them at pleasure, they could not be said to have any property, any thing they could call their own. But as these opinions did not hinder their granting money voluntarily and amply whenever the Crown by its servants came into their Assemblies (as it does into its Parliaments of Britain or Ireland) and demanded aids; therefore that method was chosen rather than the hateful one of arbitrary taxes.

I do not undertake here to support these opinions of the Americans; they have been refuted by a late Act of Parliament, declaring its own power;—which very Parliament, however, shew'd wisely so much tender regard to those inveterate prejudices, as to repeal a tax that had militated against them. And those prejudices are still so fixed and rooted in the Americans, that, it has been supposed, not a single man among them has been convinced of his error, even by that Act of Parliament.

The person then who first projected to lay aside the accustomed method of Requisition, and to raise money on America by Stamps, seems not to have acted wisely, in deviating from that method (which the Colonists looked upon as constitutional) and thwarting unnecessarily the fixed prejudices of so great a number of the King's subjects.—It was not, however, for want of knowledge that what he was about to do would give them great offence; he appears to have been very sensible of this, and apprehensive that it might occasion some disorders, to prevent or suppress which, he

he projected another Bill, that was brought in the same Session with the Stamp Act, whereby it was to be made lawful for military officers in the Colonies to quarter their soldiers in private houses. This seem'd intended to awe the people into a compliance with the other Act. Great opposition however being raised here against the Bill by the Agents from the Colonies, and the Merchants trading thither, the Colonists declaring, that under such a power in the Army, no one could look on his house as his own, or think he had a home, when soldiers might be thrust into it and mix'd with his family at the pleasure of an officer, that part of the Bill was dropt;—but there still remained a clause, when it passed into a Law, to oblige the several Assemblies to provide quarters for the soldiers, furnishing them with firing, bedding, candles, small beer or rum, and sundry other articles, at the expence of the several Provinces. And this Act continued in force when the Stamp Act was repealed, though if obligatory on the Assemblies, it equally militated against the American principle abovementioned, *that money is not to be raised on English subjects without their consent.*

The Colonies nevertheless being put into high good humour by the repeal of the Stamp Act, chose to avoid a fresh dispute upon the other, it being temporary and soon to expire, never as they hoped, to revive again; and in the mean time they, by various ways in different Colonies, provided for the quartering of the troops, either by acts of their own Assemblies, without taking notice of the A — of P — t, or by some variety or small diminution, as of salt and vinegar, in the supplies required by the Act, that what they did might appear a voluntary act of their own, and not done

done in obedience to an A— of P——t which, according to their ideas of their rights, they thought hard to obey.

It might have been well if the matter had thus passed without notice; but a G——r having written home an angry and aggravating letter upon this conduct in the Assembly of his Province, the outed P——r of the Stamp Act and his adherents, then in the opposition, raised such a clamour against America, as being in rebellion, and against those who had been for the repeal of the Stamp Act, as having thereby been encouragers of this supposed rebellion, that it was thought necessary to enforce the Quartering Act by another Act of Parliament, taking away from the Province of New York, which had been the most explicit in its refusal, all the powers of legislation, till it should have complied with that act. The news of which greatly alarmed the people every where in America, (as it has been said) the language of such an act seemed to them to be, *Obey implicitly laws made by the Parliament of Great Britain to raise money on you without your consent, or you shall enjoy no rights or privileges at all.*

At the same time a Person lately in high office, projected the levying more money, from America, by new duties on various articles of our own manufactures, as glass, paper, painters colours, &c. appointing a new Board of Customs, and sending over a set of Commissioners, with large salaries, to be established at Boston, who were to have the care of collecting those duties; which were by the act expressly mentioned to be intended for the payment of the salaries of Governors, Judges, and other Officers of the Crown in America; it being a pretty general opinion here, that those Officers

H

ought

ought not to depend on the people there for any part of their support.

It is not my intention to combat this opinion. But perhaps it may be some satisfaction to your Readers, to know what ideas the Americans have on the subject. They say then, as to Governors, that they are not like Princes whose posterity have an inheritance in the government of a nation, and therefore an interest in its prosperity; they are generally strangers to the Provinces they are sent to govern, have no estate, natural connection, or relation there, to give them an affection for the country; — that they come only to make money as fast as they can; are sometimes men of vicious characters and broken fortunes, sent by a Minister merely to get them out of the way; that as they intend staying in the country no longer than their government continues, and purpose to leave no family behind them, they are apt to be regardless of the good will of the people, and care not what is said or thought of them after they are gone. Their situation at the same time gives them many opportunities of being vexatious, and they are often so, notwithstanding their dependance on the Assemblies for all that part of their support that does not arise from fees established by law; but would probably be much more so, if they were to be supported by money drawn from the people without their consent or good will, which is the professed design of this new act. That, if by means of these forced duties, Government is to be supported in America, without the intervention of the Assemblies, their Assemblies will soon be looked upon as useless, and a Governor will not call them, as having nothing to hope from their meeting, and perhaps something to fear from their enquiries into and remonstrances against his Mal-administration.

tion. That thus the people will be deprived of their most essential rights. That it being, as at present, a Governor's interest to cultivate the good will, by promoting the welfare of the people he governs, can be attended with no prejudice to the Mother Country, since all the laws he may be prevailed on to give his assent to are subject to revision here, and if reported against by the Board of Trade, are immediately repealed by the Crown; nor dare he pass any law contrary to his instructions, as he holds his office during the pleasure of the Crown, and his Securities are liable for the penalties of their bonds if he contravenes those instructions. This is what they say as to *Governors*. As to *Judges* they alledge, that being appointed from hence, and holding their commissions *not* during *good behaviour*, as in Britain, but during *pleasure*, all the weight of interest or influence would be thrown into one of the scales, (which ought to be held even) if the salaries are also to be paid out of duties raised upon the people without their consent, and independent of their Assemblies approbation or disapprobation of the Judges behaviour. That it is true, Judges should be free from all influence; and therefore, whenever Government here will grant commissions to able and honest Judges during good behaviour, the Assemblies will settle permanent and ample salaries on them during their commissions: But, at present they have no other means of getting rid of an ignorant or an unjust Judge (and some of scandalous characters have, they say, been sometimes sent them) but by starving him out.

I do not suppose these reasonings of theirs will appear here to have much weight. I do not produce them with an expectation of convincing your readers. I relate them merely in pursuance

of the task I have imposed on myself, to be an impartial historian of American facts and opinions.

The colonists being thus greatly alarmed, as I said before, by the news of the Act for abolishing the Legislature of New-York, and the imposition of these new duties professedly for such disagreeable purposes; (accompanied by a new set of revenue officers with large appointments, which gave strong suspicions that more business of the same kind was soon to be provided for them, that they might earn these salaries;) began seriously to consider their situation, and to revolve afresh in their minds grievances which from their respect and love for this country, they had long borne and seemed almost willing to forget. They reflected how lightly the interest of all America had been estimated here, when the interest of a few inhabitants of Great Britain happened to have the smallest competition with it. That thus the whole American people were forbidden the advantage of a direct importation of wine, oil, and fruit from Portugal, but must take them loaded with all the expences of a voyage 1000 leagues round about, being to be landed first in England to be re-shipped for America; expences amounting, in war time, at least to 30 per cent. more than otherwise they would have been charged, and all this merely that a few Portugal merchants in London may gain a commission on those goods passing through their hands. Portugal merchants, by the by, that can complain loudly of the smallest hardships laid on their trade by *foreigners*, and yet even the last year could oppose with all their influence the giving ease to their *fellow subjects* labouring under so heavy an oppression! — That on a slight complaint of a few Virginia merchants, nine colonies had been restrained from making paper money become

come absolutely necessary to their internal commerce, from the constant remittance of their gold and silver to Britain. — But not only the interest of a particular body of merchants, the interest of any small body of British tradesmen or artificers, has been found, they say, to outweigh that of all the King's subjects in the colonies. There cannot be a stronger natural right, than that of a man's making the best profit he can of the natural produce of his lands, provided he does not thereby hurt the state in general. Iron is to be found every where in America, and beaver furs are the natural produce of that country: hats and nails, and steel, are wanted there as well as here. It is of no importance to the common welfare of the empire, whether a subject of the King's gets his living by making hats on this or that side of the water. Yet the Hatters of England have prevailed to obtain an Act in their own favour, restraining that manufacture in America, in order to oblige the Americans to send their beaver to England to be manufactured, and purchase back the hats, loaded with the charges of a double transportation. In the same manner have a few Nailmakers, and still a smaller body of Steelmakers (perhaps there are not half a dozen of these in England) prevailed totally to forbid by an Act of Parliament the erecting of slitting mills or steel furnaces in America, that the Americans may be obliged to take all the nails for their buildings, and steel for their tools, from these artificers, under the same disadvantages.

Added to these, the Americans remembered the Act authorizing the most cruel insult that perhaps was ever offered by one people to another, that of emptying our gaols into their settlements; Scotland too having within these two years obtained

ed the privilege it had not before, of sending its rogues and villains also to the plantations. I say, reflecting on these things, they said to one another (their news papers are full of such discourses) these people are not content with making a monopoly of us, forbidding us to trade with any other country of Europe, and compelling us to buy every thing of them, though in many articles we could furnish ourselves 10, 20, and even to 50 per cent. cheaper elsewhere; but now they have as good as declared they have a right to tax us *ad libitum* internally and externally, and that our constitutions and liberties shall all be taken away, if we do not submit to that claim. They are not content with the high prices at which they sell us their goods, but have now begun to enhance those prices by new duties; and by the expensive apparatus of a new set of officers, appear to intend an augmentation and multiplication of those burthens that shall still be more grievous to us. Our people have been foolishly fond of their superfluous modes and manufactures, to the impoverishing our country, carrying off all our cash, and loading us with debt; they will not suffer us to restrain the luxury of our inhabitants as they do that of their own, by laws: They can make laws to discourage or prohibit the importation of French superfluities: But though those of England are as ruinous to us as the French ones are to them, if we make a law of that kind, they immediately repeal it. Thus they get all our money from us by trade, and every profit we can any where make by our fisheries, our produce or our commerce, centers finally with them; but this does not signify. It is time then to take care of ourselves by the best means in our power. Let us unite in solemn resolutions and engagements with and to each other, that

that we will give these new officers as little trouble as possible, by not consuming the British manufactures on which they are to levy the duties. Let us agree to consume no more of their expensive gewgaws. Let us live frugally, and let us industriously manufacture what we can for ourselves: Thus we shall be able honourably to discharge the debts we already owe them, and after that, we may be able to keep some money in our country, not only for the uses of our internal commerce, but for the service of our gracious Sovereign, whenever he shall have occasion for it, and think proper to require it of us in the old *constitutional* manner. For notwithstanding the reproaches thrown out against us in their public papers and pamphlets, notwithstanding we have been reviled in their Senate as *Rebels* and *Traitors*, we are truly a loyal people. Scotland has had its rebellions, and England its plots against the present Royal Family; but America is untainted with those crimes; there is in it scarce a man, there is not a single native of our country, who is not firmly attached to his King by principle and by affection. But a new kind of loyalty seems to be required of us, a loyalty to P——t; a loyalty, that is to extend, it is said, to a surrender of all our properties, whenever a H— of C——, in which there is not a single member of our chusing, shall think fit to grant them away without our consent; and to a patient suffering the loss of our privileges as Englishmen, if we cannot submit to make such surrender. We were separated too far from Britain by the Ocean, but we were united to it by respect and love, so that we could at any time freely have spent our lives and little fortunes in its cause: but this unhappy new system of politics tends to dissolve those bands of union, and to sever us for ever.

These

These are the wild ravings of the at present half
distracted Americans. To be sure, no reasonable
man in England can approve of such sentiments,
and, as I said before, I do not pretend to support
or justify them: But I sincerely wish, for the sake
of the manufactures and commerce of Great Bri-
tain, and for the sake of the strength which a firm
union with our growing colonies would give us,
that these people had never been thus needlessly
driven out of their senses.

I am, your's, &c.

F. S.

F I N I S.